Guidance on declarations – how we consider information that applicants or registrants declare

A consultation

July 2012
About us

The GOC is one of 13 organisations in the UK known as health and social care regulators. These organisations oversee the health and social care professions by regulating individual professionals.

We are the regulator for the optical professions in the UK. We currently register around 25,000 optometrists, dispensing opticians, student opticians and optical businesses. Our primary legislation is the Opticians Act 1989 (as amended), and we also have a series of related rules that describe how we carry out our statutory functions. Our legislation can be found on our website at http://www.optical.org/en/about_us/legislation/index.cfm

The GOC has four primary functions:

- Setting standards for optical education and training, performance and conduct.
- Approving qualifications leading to registration.
- Maintaining a register of those who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians.
- Investigating and acting where registrants’ fitness to practise, train or carry on business is impaired.

GOC registration

The GOC is also responsible that only those on our register can use a ‘protected title’, such as optometrist or dispensing optician. Anyone using a protected title and who is not registered with us is breaking the law and could be prosecuted.

The Council for Healthcare Regulatory Excellence (CHRE) is responsible for overseeing the UK’s nine health professional regulatory bodies, including the GOC. Their oversight and scrutiny of our work is an important part of how we continue to ensure that we maintain and develop our work in protecting patients and the public.

The GOC register

The GOC register is available on our website at www.optical.org. Anyone can search it, to check that their optician is registered. The register contains various pieces of information about individuals and businesses registered with us, including:

- Their GOC registration number
- Their type of registration (whether they are an optometrist, dispensing optician, student or body corporate)
- The qualifications they have listed with the GOC (including their primary qualification that allows them entry onto the register, where applicable)
- If they are subject to any fitness to practise outcomes such as suspension or conditional registration.
About this document

In this document we seek the views of stakeholders on the revised and expanded guidance document ‘Guidance on declarations – how we consider information that applicants or registrants declare’. The consultation document sets out our reasons for producing this guidance, and also sets out the questions we would like those responding to the consultation to consider.

Introduction

We are consulting on new guidance for applicants and registrants who need to make a declaration to us. We recognise that the current guidance that we produce may not provide sufficient information to help applicants and registrants give us the information that we require to make decisions about their registration. We hope that the new guidance will help those wishing to join or remain on the register more clearly understand what information they should provide, and how we will process that information and make decisions using it.

The new guidance

Anyone wishing to join or remain on the GOC register must comply with the requirement set out in the Opticians Act to demonstrate that they are fit to practise, undertake training, or carry on business.

We have drafted new guidance for applicants and registrants who need to make a declaration about their fitness to practise, in order to provide more information about what should be declared, and how we will process the information we receive.

The guidance has been separated into five sections:

- **Section one, the introduction**, contains information about us and our role in regulating the optical professions. This section is for everyone.
- **Section two, information for those applying to join the GOC register**, is aimed at students, fully qualified individuals and businesses that must join the register in order to train, practise, or carry on business.
- **Section three, information for those applying to restore to the GOC register**, is aimed at individuals or businesses who wish to return to training, practice or business, after a period of non-registration.
- **Section four, information for those applying for retention on the GOC register**, relates to students, fully qualified individuals and businesses who are currently registered with the GOC, and who must renew their registration on an annual basis.
• Section five, **how we consider information that we receive**, explains the process that the GOC will undertake when considering a declaration that has been made. This section is aimed at both applicants and registrants.

Sections two to four have been further separated, to provide specific information for the following groups:

• Students
• Fully qualified individuals
• Fully qualified individuals who did not qualify in the UK
• Businesses

These sections have been further separated to describe what applicants and registrants should consider when making a declaration relating to:

• Health
• Criminal or disciplinary investigations or outcomes
• Other information

**Consultation questions**

In order to help us ensure that this guidance is as useful to applicants and registrants as possible, we would welcome any comments that you may wish to make. Specific responses we would welcome include:

1. Is the guidance clear on the requirements for applicants and registrants who need to make a declaration in relation to their health?

2. Is the guidance clear on the requirements for applicants and registrants who need to make a declaration in relation to a criminal or disciplinary investigation or outcome?

3. Does the guidance clearly explain how the GOC will process the information that is provided, and how we will reach a decision about the application?

4. Does the format of the guidance make it easy to use?

5. Do you have any other comments relating to the proposed guidance document?
How to respond

We welcome all responses to the consultation and we will consider revisions to the guidance in light of the responses we receive. You can download further copies of this document and the response form from our website, or you can contact us if you would like us to send you copies of these documents.

Please contact us to request a copy of this document in an alternative format, or in Welsh.

We are consulting for at least 12 weeks in accordance with our policy on consultations.

The deadline for responses to this consultation is 16 September 2012.

Please send your response in writing to:

Philip Hallam
Head of Registration
General Optical Council
41 Harley Street
London W1G 8DJ

You may also email responses to phallam@optical.org or send a fax to +44 (0)20 7436 3525. We do not usually accept responses by telephone or in person. We normally ask that consultation responses are made in writing to ensure that we can accurately record what the respondent would like to say. However, if you are unable to provide your response in writing please contact us on +44 (0)20 7580 3898 to discuss any reasonable adjustments that would help you to respond.

We will publish a summary of the responses we receive to the consultation and the decisions we have taken as a result on our website. If you would prefer your responses not to be made public, please indicate this when you respond.

Further information

Where possible, please provide evidence to support your response. If you are a representative group, it would be helpful if you could include a summary of the people and organisations that you represent.

A copy of this consultation has been sent to a large number of stakeholder groups representing our registrants, the public, patients, partner organisations and other groups. If you have any queries about the consultation then please contact Philip Hallam on 020 7307 9470 or phallam@optical.org
Our commitment to consultation

We believe it is important that the people affected by our work have a say in how we deliver it. We believe it is vital to consult with all the groups with an interest in the GOC; patients, the public, our registrants, optical organisations, healthcare organisations, employers, other regulators, staff and other stakeholders.

How we consult with our stakeholders is set out in our Consultation Framework, available in the consultation section of our website. Feedback on the consultation process itself would be welcome. If you have any comments then please contact Simon Grier on sgrier@optical.org
**Guidance on declarations – how we consider information that applicants or registrants declare**

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Who is this document for?

This document is intended to provide guidance for the following groups of people:

- Those applying to the General Optical Council (GOC) for registration, or considering the making of an application (‘an applicant’)
- Those who are currently registered with the GOC, who are making an application for retention of registration (‘a registrant’).

The document will also be used by the Registrar, staff in the GOC’s Registration team, members of GOC Council and Committees (including the Registration Appeals Committee), and any other person who wishes to understand the principles and process by which applications with declarations are considered.

About this document

To help you find the information to help you, we have separated this document into five sections. There are different sections for applicants and registrants, and these sections are separated again for student, fully qualified (from the UK and overseas), and business (body corporate) registrants.

Sometimes we have repeated the same information in more than one section; this is to ensure that that we provide all of the relevant information for those reading different parts of the document.

In general terms, we have separated the document into the following sections:

- Section one, the introduction, contains information about us and our role in regulating the optical professions. This section is for everyone.
- Section two, information for those applying to join the GOC register, is aimed at students, fully qualified individuals and businesses that must join the register in order to train, practise, or carry on business.
- Section three, information for those applying to restore to the GOC register, is aimed at individuals or businesses who wish to return to training, practice or business, after a period of non-registration.
- Section four, information for those applying for retention on the GOC register, relates to students, fully qualified individuals and businesses who are currently registered with the GOC, and who must renew their registration on an annual basis.
- Section five, how we consider information that we receive, explains the process that the GOC will undertake when considering a declaration that has been made. This section is aimed at both applicants and registrants.

Section one: introduction

The GOC is one of 13 organisations in the UK known as health and social care regulators. These organisations oversee the health and social care professions by regulating individual professionals.

We are the regulator for the optical professions in the UK. We currently register around 25,000 optometrists, dispensing opticians, student opticians and optical businesses.
The GOC has four primary functions:

- Setting standards for optical education and training, performance and conduct.
- Approving qualifications leading to registration.
- Maintaining a register of those who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians.
- Investigating and acting where registrants’ fitness to practise, train or carry on business is impaired.

The GOC is also responsible that only those on our register can use a ‘protected title’, such as optometrist or dispensing optician. Anyone using a protected title and who is not registered with us is breaking the law and could be prosecuted.

The GOC register

The GOC register is available on our website at www.optical.org. Anyone can search it, to check that their optician is registered. The register contains various pieces of information about individuals and businesses registered with us, including:

- Their GOC registration number
- Their type of registration (whether they are an optometrist, dispensing optician, student or body corporate)
- The qualifications they have listed with the GOC (including their primary qualification that allows them entry onto the register, where applicable)
- If they are subject to any fitness to practise outcomes such as suspension or conditional registration.

Section two: information for those applying to join the GOC register

This section provides information on the application process and the information that you need to provide to us so that we can decide whether to allow your entry onto the register. We have separated out this section into different parts for students, fully qualified individuals and optical businesses (bodies corporate), though some of the information we provide may have been repeated.

More information about the registration process, including registration forms and how our fees are structured, can be found on our website at:


Student applicants

Anyone who wishes to undertake training as an optometrist or dispensing optician at a UK training institution must be registered with the GOC for the duration of the course of study.

In order for the GOC to register you as a student, you must complete an application for registration. As part of this application, you will be required to provide us with information including:

- The name of the educational establishment at which you will be studying, and the name of the course or training that you will be undertaking
• A photograph of you, certified by someone that has known you for at least two years (and is not a relative)
• Certification from your educational establishment that you are (or will be) undertaking training at that institution
• A declaration from you that you are a fit person to undertake training, or information about health conditions, or criminal or disciplinary investigations, which we will need to consider before allowing your registration. This is discussed in more detail below.

All of the information that we ask from you is to help us ensure that:

• You are who you say you are
• You are training at a course and with an institution approved by the GOC
• You meet our standards for fitness to undertake training
• We have your contact details

Declaration of fitness to undertake training

Section 8A(3) of the Opticians Act 1989 (as amended) states that “a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he is fit to undertake training as an optometrist or a dispensing optician”.

Section five of the GOC (Registration) Rules 2005 state that applicants for registration shall make a declaration regarding disciplinary or criminal investigations or outcomes, and in relation to their physical or mental health.

It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

Declarations relating to health

Declarations in relation to health fit broadly into the categories of physical or mental health (though there will be occasions where the declaration will contain elements of both).

The GOC does not make judgements about whether individuals are ‘healthy’ or in ‘good health’, or about disabilities. Disabilities and health conditions affect different people in different ways, and there is no list of ‘acceptable’ or ‘unacceptable’ health conditions or disabilities. The GOC also has a responsibility to ensure that it complies with the relevant sections of the Equalities Act 2010.

There is therefore no assumption that a person with a disability or someone with a long-term physical or mental health condition would pose a risk to the public while working as an optometrist or dispensing optician.

The GOC requires you to make a declaration about your health only if you believe that it may currently affect your fitness to undertake training. Fitness to undertake training is not the same as fitness to work in a particular job or at a particular time. So, temporary health issues do not necessarily mean that someone is not fit to undertake training, even if they are unable to work or study for a time. For instance, a minor illness or injury such as a broken wrist or flu might prevent someone from working or training for a period of time, but this does not mean that they are not ‘fit to practise’ for our purposes because they would expect to fully
recover. There is therefore no reason for a temporary health condition to affect someone’s ability to remain registered with us.

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how it could affect your ability to practise safely. Insight and understanding for our purposes mean that you have considered how your health condition may limit your ability to undertake certain aspects of training or practice, and have taken appropriate steps to ensure that you do not put patients, the public or yourself at risk.

When making a declaration about your health to us, you need only provide us with information that is relevant to your current fitness to undertake training. We do not need to know your full medical history; if we require more information from you, we will contact you and ask you to provide this. Also, you do not need to tell us about past periods of ill-health or disability if these do not currently affect your fitness to undertake training.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to your health, you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration. Provide us with as much information as possible, so we can assess whether your health condition could affect your ability to undertake training. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Declarations relating to criminal or disciplinary investigations or outcomes

Applicants are also required to declare the following:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;
b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);
c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)
d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely
e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that their fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect.
f. That they are currently the subject of any investigation or proceedings which might lead to any of the results described at a-e above.

Taking each of these areas in turn, further explanation is provided below.
a-d: convictions and cautions

You must declare on your application if you have ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to people wishing to join the GOC register, and so you must also tell us about a conviction or caution even if you believe that it is no longer active (sometimes described as 'spent'), and no matter how long ago it occurred.

You must also tell us about any convictions that you have received outside of the UK, which would be a criminal offence in England and Wales. Again, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

e. a determination by a health or social care regulatory body

You must also tell us if you have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to practise, you must tell us about this. Additionally, if you
have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you have received a determination relating to your fitness to practise from a regulatory body outside the UK, you must tell us about this.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

**f. current investigations by the police or regulatory body**

You must declare on your application if you are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to undertake training, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.
Other information

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct. The Code describes how the GOC expects that those on our register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to undertake training. These may include a current or previous barring decision made by the Independent Safeguarding Authority or the Protecting Vulnerable Groups scheme in Scotland. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Issues that we do not need to be informed about include:

- Being declared bankrupt. On its own, bankruptcy is not a matter that would affect your fitness to undertake training, unless you have also been cautioned or convicted for a crime in relation to the bankruptcy.
- If you are subject to a clinical negligence claim. We recognise that a patient may have made a claim against you in relation to clinical negligence. While this is being dealt with, you do not need to tell us about this. If you believe that the circumstances of the claim may affect your fitness to undertake training, you should tell us about this.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

Fully qualified individual applicants

Anyone who wishes to practise as an optometrist or dispensing optician in the UK must be registered with the GOC.

In order for the GOC to register you, you must complete an application for registration. You must do this even if you are registered with the GOC as a student. As part of this application, you will be required to provide us with information including:

- The names and addresses of where you practise, as well as a contact address
- A photograph of you, certified by someone that has known you for at least two years (and is not a relative)
- Certification from your examining body that you have satisfied their requirements and are competent to practise
- Information about your policy of insurance
- A declaration from you that you are a fit person to practise, or information about health conditions, or criminal or disciplinary investigations, which we will need to consider before allowing your registration. This is discussed in more detail below.
All of the information that we ask from you is to help us ensure that:

- You are who you say you are
- You have a qualification from a GOC approved examining body
- You meet our standards for fitness to practise
- We have your contact details

**Declaration of fitness to practise**

Section 8 of the Opticians Act 1989 (as amended) states that “a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he … is a fit person to practise as an optometrist or a dispensing optician”.

Part five of the GOC (Registration) Rules 2005 state that applicants for registration shall make a declaration regarding disciplinary or criminal investigations or outcomes, and in relation to their physical or mental health.

It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

**Declarations relating to health**

Declarations in relation to health fit broadly into the categories of physical or mental health (though there will be occasions where the declaration will contain elements of both).

The GOC does not make judgements about whether individuals are ‘healthy’ or in ‘good health’, or about disabilities. Disabilities and health conditions affect different people in different ways, and there is no list of ‘acceptable’ or ‘unacceptable’ health conditions or disabilities. The GOC also has a responsibility to ensure that it complies with the relevant sections of the Equalities Act 2010.

There is therefore no assumption that a person with a disability or someone with a long-term physical or mental health condition would pose a risk to the public while working as an optometrist or dispensing optician.

The GOC requires you to make a declaration about your health only if you believe that it may currently affect your fitness to practise. Fitness to practise is not the same as fitness to work in a particular job or at a particular time. So, temporary health issues do not necessarily mean that someone is not fit to practise, even if they are unable to work or study for a time. For instance, a minor illness or injury such as a broken wrist or flu might prevent someone from working for a period of time, but this does not mean that they are not ‘fit to practise’ for our purposes because they would expect to fully recover. There is therefore no reason for a temporary health condition to affect someone’s ability to remain registered with us.

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how it could affect your ability to practise safely. Insight and understanding for our purposes mean that you have considered how your health condition may limit your ability to undertake certain aspects of practice, and have taken appropriate steps to ensure that you do not put patients, the public or yourself at risk.
When making a declaration about your health to us, you need only provide us with information that is relevant to your current fitness to practise. We do not need to know your full medical history; if we require more information from you, we will contact you and ask you to provide this. Also, you do not need to tell us about past periods of ill-health or disability if these do not currently affect your fitness to practise.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to your health, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration. Provide us with as much information as possible, so we can assess whether your health condition could affect your ability to practise. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

**Declarations relating to criminal or disciplinary investigations or outcomes**

Applicants are also required to declare the following:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;

b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);

c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)

d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely

e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that their fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect.

f. That they are currently the subject of any investigation or proceedings which might lead to any of the results described at a-e above.

Taking each of these areas in turn, further explanation is provided below.

*a-d: convictions and cautions*

You must declare on your application if you have ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to people wishing to join the GOC register, and so you must also tell us about a conviction or caution even if you believe that it is no longer active (sometimes described as 'spent'), and no matter how long ago it occurred.
You must also tell us about any convictions that you have received outside of the UK, which would be a criminal offence in England and Wales. Again, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**e. a determination by a health or social care regulatory body**

You must also tell us if you have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to practise, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you have received a determination relating to your fitness to practise from a regulatory body outside the UK, you must tell us about this.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow
down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**f. current investigations by the police or regulatory body**

You must declare on your application if you are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to practise, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Other information**

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct. The Code describes how the GOC expects that those on our register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to practise. These may include a current or previous barring decision made by the
Independent Safeguarding Authority or the Protecting Vulnerable Groups scheme in Scotland. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Issues that we do not need to be informed about include:

- Being declared bankrupt. On its own, bankruptcy is not a matter that would affect your fitness to practise, unless you have also been cautioned or convicted for a crime in relation to the bankruptcy.
- If you are subject to a clinical negligence claim. We recognise that a patient may have made a claim against you in relation to clinical negligence. While this is being dealt with, you do not need to tell us about this. If you believe that the circumstances of the claim may affect your fitness to practise, you should tell us about this.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Fully qualified individual applicants who did not qualify in the UK**

Anyone who wishes to practise as an optometrist or dispensing optician in the UK must be registered with the GOC. This includes individuals who qualified as an optometrist or dispensing optician outside the UK.

In order for the GOC to register you, you must complete an application for registration. If you qualified as an optometrist or dispensing optician outside the UK but within the European Union (EU) (including Norway, Lichtenstein or Iceland), you must complete the EU application form. To receive a copy of the form, please contact the GOC Education team.

If you qualified as an optometrist outside the European Economic Area (EEA), you must in the first instance contact the College of Optometrists, who will explain what you will need to do in order to join the GOC register.

If you qualified as a dispensing optician outside the European Economic Area (EEA), you must in the first instance contact the Association of British Dispensing Opticians, who will explain what you will need to do in order to join the GOC register.

Further information (including contact information for the organisations mentioned above) on how to register with the GOC with a qualification gained outside the UK can be found on our website at:

http://www.optical.org/en/our_work/Registration/Applying_for_registration/Non-UK_applicants.cfm

When you complete your application for registration, we will ask you to provide certain information to us.

Guidance on declarations – how we consider information that applicants or registrants declare
All of the information that we ask from you is to help us ensure that:

- You are who you say you are
- You meet our standards for fitness to practise
- We have your contact details

**Declaration of practise**

Section 8 of the Opticians Act 1989 (as amended) states that “a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he … is a fit person to practise as an optometrist or a dispensing optician”.

Part five of the GOC (Registration) Rules 2005 state that applicants for registration shall make a declaration regarding disciplinary or criminal investigations or outcomes. For those individuals making an application from outside the EEA, you must also make a declaration in relation to your physical or mental health.

It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

**Declarations relating to health (non EEA applicants only)**

Declarations in relation to health fit broadly into the categories of physical or mental health (though there will be occasions where the declaration will contain elements of both).

The GOC does not make judgements about whether individuals are ‘healthy’ or in ‘good health’, or about disabilities. Disabilities and health conditions affect different people in different ways, and there is no list of ‘acceptable’ or ‘unacceptable’ health conditions or disabilities. The GOC also has a responsibility to ensure that it complies with the relevant sections of the Equalities Act 2010.

There is therefore no assumption that a person with a disability or someone with a long-term physical or mental health condition would pose a risk to the public while working as an optometrist or dispensing optician.

The GOC requires you to make a declaration about your health only if you believe that it may currently affect your fitness to practise. Fitness to practise is not the same as fitness to work in a particular job or at a particular time. So, temporary health issues do not necessarily mean that someone is not fit to practise, even if they are unable to work or study for a time. For instance, a minor illness or injury such as a broken wrist or flu might prevent someone from working for a period of time, but this does not mean that they are not ‘fit to practise’ for our purposes because they would expect to fully recover. There is therefore no reason for a temporary health condition to affect someone’s ability to remain registered with us.

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how it could affect your ability to practise safely. Insight and understanding for our purposes mean that you have considered how your health condition may limit your ability to undertake certain aspects of practice, and have taken appropriate steps to ensure that you do not put patients, the public or yourself at risk.
When making a declaration about your health to us, you need only provide us with information that is relevant to your current fitness to practise. We do not need to know your full medical history; if we require more information from you, we will contact you and ask you to provide this. Also, you do not need to tell us about past periods of ill-health or disability if these do not currently affect your fitness to practise.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to your health, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration. Provide us with as much information as possible, so we can assess whether your health condition could affect your ability to practise. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Declarations relating to criminal or disciplinary investigations or outcomes (all applicants from outside the UK)

Applicants are also required to declare the following:

- **a.** Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;
- **b.** If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);
- **c.** If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penally as alternative to prosecution);
- **d.** If they been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely;
- **e.** If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that their fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect;
- **f.** That they are currently the subject of any investigation or proceedings which might lead to any of results described at a-e above.

Taking each of these areas in turn, further explanation is provided below.

**a-d: convictions and cautions**

You must declare on your application if you have ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to people wishing to join the GOC register, and so you must also tell us about a conviction or caution even if you believe that it is no longer active (sometimes described as ‘spent’), and no matter how long ago it occurred.
You must also tell us about any convictions that you have received outside of the UK, which would be a criminal offence in England and Wales. Again, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

e. a determination by a health or social care regulatory body

You must also tell us if you have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to practise, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you have received a determination relating to your fitness to practise from a regulatory body outside the UK, you must tell us about this.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow
down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**f. current investigations by the police or regulatory body**

You must declare on your application if you are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to practise, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Other information**

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct. The Code describes how the GOC expects that those on our register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to practise. These may include a current or previous barring decision made by the
Independent Safeguarding Authority or the Protecting Vulnerable Groups scheme in Scotland. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Issues that we do not need to be informed about include:

- Being declared bankrupt. On its own, bankruptcy is not a matter that would affect your fitness to practise, unless you have also been cautioned or convicted for a crime in relation to the bankruptcy.
- If you are subject to a clinical negligence claim. We recognise that a patient may have made a claim against you in relation to clinical negligence. While this is being dealt with, you do not need to tell us about this. If you believe that the circumstances of the claim may affect your fitness to practise, you should tell us about this.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration

**Business applicants**

Any body corporate that wishes to carry on business as an optometrist or dispensing optician in the UK, and use a protected title in their business or trading name, must be registered with the GOC. More information about the requirements for business registration can be found on our website at:

http://www.optical.org/en/our_work/Registration/Applying_for_registration/Bodies_corporate.cfm

In order for the GOC to register your body corporate, you must complete an application for registration. As part of this application, you will be required to provide us with information including:

- The names and addresses of where you practise, as well as a contact address and the registered address of your business (where appropriate)
- Details relating to how your business meets one of the requirements for registration as body corporate: for example, the names of all of the directors of your company, and their GOC registration numbers where appropriate.
- A declaration from you that the company is fit to carry on business, or information about criminal or disciplinary investigations relating to the company or its directors, which we will need to consider before allowing your registration. This is discussed in more detail below.

All of the information that we ask from you is to help us ensure that:

- You are who you say you are
You meet the requirements for registration with the GOC as a body corporate
You meet our standards for fitness to carry on business
We have your contact details

Declaration of fitness to carry on business

Section 9 of the Opticians Act 1989 (as amended) states that “a body corporate shall be entitled to be registered in the register if it satisfies the Council that it is fit to carry on business as an optometrist or a dispensing optician or to carry on both businesses”.

Part eight of the GOC (Registration) Rules 2005 state that applicants for registration as a body corporate shall make a declaration regarding disciplinary or criminal investigations or outcomes, on behalf of the business or any of its directors.

It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

Declarations relating to criminal or disciplinary investigations or outcomes

Applicants are required to declare the following, on behalf of the company and its directors:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;
b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);
c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)
d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely
e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that the body corporate’s fitness to carry on business as a member of that profession is impaired, or the fitness of a director of the body corporate to practise that profession is impaired.
f. If they were the subject of a determination by a regulatory body outside the United Kingdom to the same effect.
g. That they are currently the subject of any investigation or proceedings which might lead to any of results described at a-f above.

Taking each of these areas in turn, further explanation is provided below.

a-d: convictions and cautions

You must declare on your application if the body corporate, or any of its directors, has ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to optometrists and dispensing opticians on the GOC register, and so you must also tell us about a conviction or caution received by a GOC registrant director even if you believe
that it is no longer active (sometimes described as ‘spent’), and no matter how long ago it occurred.

You must also tell us about any convictions that the body corporate and its directors have received outside of UK, which would be a criminal offence in England and Wales. Again, for GOC registrant directors, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

e. a determination by a health or social care regulatory body

You must also tell us if you, or any of your directors, have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to carry on business, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you, or any of your directors, have received a determination relating to your fitness to carry on business from a regulatory body outside the UK, you must tell us about this.
When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

\textbf{f. current investigations by the police or regulatory body}

You must declare on your application if you, or any of your directors, are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you, or any of your directors, are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to undertake training, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

\textbf{Other information}

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct for business registrants.
The Code describes how the GOC expects that those on our body corporate register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to carry on business. Providing us with as much information as early as possible will help to prevent us from having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

Section three: information for those applying to restore to the GOC register

This section provides information on the process for restoration to the GOC register and the information that you need to provide to us so that we can decide whether to allow your restoration. We have separated out this section into different parts for students, fully qualified individuals and optical businesses (bodies corporate), though some of the information we provide may have been repeated.

More information about the restoration process, including restoration forms and how our fees are structured, can be found on our website at:


Student applicants

Anyone who wishes to undertake training as an optometrist or dispensing optician at a UK training institution must be registered with the GOC for the duration of the course of study. If you have been previously registered as a student with us and for any reason have allowed your registration to lapse or we have removed you from the register, you must restore to the register to continue your studies or training. If you continue to undertake training while unregistered, any exams or assessments that you take will not count towards your final qualification. Also, if describe yourself as a student optometrist or student dispensing optician while not on the GOC register, you are committing an offence and could be prosecuted.

In order for the GOC to restore you to the register, you must complete an application for restoration. As part of this application, you will be required to provide us with information including:

- Your previous GOC registration number
- The name of the educational establishment at which you are or will be studying, and the name of the course or training that you are or will be undertaking
- A photograph of you, certified by someone that has known you for at least two years (and is not a relative)
• Certification from your educational establishment that you are (or will be) undertaking training at that institution
• Information about why you were removed from the GOC register, and whether you have carried out activities restricted to GOC registrants during your period of non-registration
• **A declaration** from you that you are a fit person to undertake training, or information about health conditions, or criminal or disciplinary investigations, which we will need to consider before allowing your registration. This is discussed in more detail below.

All of the information that we ask from you is to help us ensure that:

• You are who you say you are
• You are training at a course and with an institution approved by the GOC
• You meet our standards for fitness to undertake training
• You have not done anything while unregistered that would prevent your restoration to the register
• We have your contact details

**Declaration of fitness to undertake training**

Section 8A(3) of the Opticians Act 1989 (as amended) states that “a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he is fit to undertake training as an optometrist or a dispensing optician”.

Section five of the GOC (Registration) Rules 2005 state that applicants for registration shall make a declaration regarding disciplinary or criminal investigations or outcomes, and in relation to their physical or mental health.

It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

**If your name was erased from the GOC register following a determination of the GOC’s Fitness to Practise Committee, your application for restoration will have to be considered by that Committee. If this applies to you, when we receive your application this will be dealt with by the GOC Fitness to Practise team, who will contact you directly about your application.**

**Declarations relating to health**

Declarations in relation to health fit broadly into the categories of physical or mental health (though there will be occasions where the declaration will contain elements of both).

The GOC does not make judgements about whether individuals are ‘healthy’ or in ‘good health’, or about disabilities. Disabilities and health conditions affect different people in different ways, and there is no list of ‘acceptable’ or ‘unacceptable’ health conditions or disabilities. The GOC also has a responsibility to ensure that it complies with the relevant sections of the Equalities Act 2010.
There is therefore no assumption that a person with a disability or someone with a long-term physical or mental health condition would pose a risk to the public while working as an optometrist or dispensing optician.

The GOC requires you to make a declaration about your health only if you believe that it may currently affect your fitness to undertake training. Fitness to undertake training is not the same as fitness to work in a particular job or at a particular time. So, temporary health issues do not necessarily mean that someone is not fit to undertake training, even if they are unable to work or study for a time. For instance, a minor illness or injury such as a broken wrist or flu might prevent someone from working or training for a period of time, but this does not mean that they are not ‘fit to practise’ for our purposes because they would expect to fully recover. There is therefore no reason for a temporary health condition to affect someone’s ability to remain registered with us.

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how it could affect your ability to practise safely. Insight and understanding for our purposes mean that you have considered how your health condition may limit your ability to undertake certain aspects of training or practice, and have taken appropriate steps to ensure that you do not put patients, the public or yourself at risk.

When making a declaration about your health to us, you need only provide us with information that is relevant to your current fitness to undertake training. We do not need to know your full medical history; if we require more information from you, we will contact you and ask you to provide this. Also, you do not need to tell us about past periods of ill-health or disability if these do not currently affect your fitness to undertake training.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to your health, you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration. Provide us with as much information as possible, so we can assess whether your health condition could affect your ability to undertake training. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Declarations relating to criminal or disciplinary investigations or outcomes

Applicants are also required to declare the following:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;

b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);

c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)
d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely

e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that their fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect.

f. That they are currently the subject of any investigation or proceedings which might lead to any of results described at a-e above.

Taking each of these areas in turn, further explanation is provided below.

a-d: convictions and cautions

You must declare on your application if you have ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to people wishing to join the GOC register, and so you must also tell us about a conviction or caution even if you believe that it is no longer active (sometimes described as ‘spent’), and no matter how long ago it occurred.

You must also tell us about any convictions that you have received outside of the UK, which would be a criminal offence in England and Wales. Again, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

e. a determination by a health or social care regulatory body

You must also tell us if you have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:
If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to practise, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you have received a determination relating to your fitness to practise from a regulatory body outside the UK, you must tell us about this.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If you have received a warning from the GOC’s Investigation Committee, you do not need to declare this when applying for restoration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

f. current investigations by the police or regulatory body

You must declare on your application if you are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.
In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to undertake training, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

Other information

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct. The Code describes how the GOC expects that those on our register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to undertake training. These may include a current or previous barring decision made by the Independent Safeguarding Authority or the Protecting Vulnerable Groups scheme in Scotland. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Issues that we do not need to be informed about include:

- Being declared bankrupt. On its own, bankruptcy is not a matter that would affect your fitness to undertake training, unless you have also been cautioned or convicted for a crime in relation to the bankruptcy.
- If you are subject to a clinical negligence claim. We recognise that a patient may have made a claim against you in relation to clinical negligence. While this is being dealt with, you do not need to tell us about this. If you believe that the circumstances of the claim may affect your fitness to undertake training, you should tell us about this.

We also ask you to provide the following information regarding your period of non-registration:

- The reason that you did not renew your registration, and why you are seeking restoration to the register
- Whether you have undertaken any training, assessments, regulated work or exams while unregistered, and if so details about these activities, This will include details of your supervisor if applicable
• Whether, during your period of non-registration, you have said or implied to anyone that you were a GOC student registrant

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Fully qualified individual applicants**

Anyone who wishes to practise as an optometrist or dispensing optician in the UK must be registered with the GOC. If you have been previously registered with us and for any reason have allowed your registration to lapse or we have removed you from the register, you must restore to the register to continue to practise. If you continue to practise as an optometrist or dispensing optician while unregistered you are committing an offence and could be prosecuted.

In order for the GOC to restore you to the register, you must complete an application for restoration. As part of this application, you will be required to provide us with information including:

- Your previous GOC registration number, and dates of your previous registration period
- The names and addresses of where you practise, as well as a contact address
- A photograph of you, certified by someone that has known you for at least two years (and is not a relative)
- A declaration that you have achieved the requisite number of Continuing Education and Training (CET) points to restore to the register.
- Information about your policy of insurance
- A **declaration** from you that you are a fit person to practise, or information about health conditions, or criminal or disciplinary investigations, which we will need to consider before allowing your registration. This is discussed in more detail below.

All of the information that we ask from you is to help us ensure that:

- You are who you say you are
- You meet our standards for fitness to practise
- You have not done anything while unregistered that would prevent your restoration to the register
- We have your contact details

**Declaration of fitness to practise**

Section 8 of the Opticians Act 1989 (as amended) states that “a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he … is a fit person to practise as an optometrist or a dispensing optician”.

Part five of the GOC (Registration) Rules 2005 state that applicants for registration shall make a declaration regarding disciplinary or criminal investigations or outcomes, and in relation to their physical or mental health.
It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

If your name was erased from the GOC register following a determination of the GOC’s Fitness to Practise Committee, your application for restoration will have to be considered by that Committee. If this applies to you, when we receive your application this will be dealt with by the GOC Fitness to Practise team, who will contact you directly about your application.

Declarations relating to health

Declarations in relation to health fit broadly into the categories of physical or mental health (though there will be occasions where the declaration will contain elements of both).

The GOC does not make judgements about whether individuals are ‘healthy’ or in ‘good health’, or about disabilities. Disabilities and health conditions affect different people in different ways, and there is no list of ‘acceptable’ or ‘unacceptable’ health conditions or disabilities. The GOC also has a responsibility to ensure that it complies with the relevant sections of the Equalities Act 2010.

There is therefore no assumption that a person with a disability or someone with a long-term physical or mental health condition would pose a risk to the public while working as an optometrist or dispensing optician.

The GOC requires you to make a declaration about your health only if you believe that it may currently affect your fitness to practise. Fitness to practise is not the same as fitness to work in a particular job or at a particular time. So, temporary health issues do not necessarily mean that someone is not fit to practise, even if they are unable to work or study for a time. For instance, a minor illness or injury such as a broken wrist or flu might prevent someone from working for a period of time, but this does not mean that they are not ‘fit to practise’ for our purposes because they would expect to fully recover. There is therefore no reason for a temporary health condition to affect someone’s ability to remain registered with us.

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how it could affect your ability to practise safely. Insight and understanding for our purposes mean that you have considered how your health condition may limit your ability to undertake certain aspects of practice, and have taken appropriate steps to ensure that you do not put patients, the public or yourself at risk.

When making a declaration about your health to us, you need only provide us with information that is relevant to your current fitness to practise. We do not need to know your full medical history; if we require more information from you, we will contact you and ask you to provide this. Also, you do not need to tell us about past periods of ill-health or disability if these do not currently affect your fitness to practise.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to your health, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration. Provide us with as much information as possible, so we can assess whether your health condition could affect your ability to practise.
Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

**Declarations relating to criminal or disciplinary investigations or outcomes**

Applicants are also required to declare the following:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;

b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);

c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);

d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely;

e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that their fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect;

f. That they are currently the subject of any investigation or proceedings which might lead to any of results described at a-e above.

Taking each of these areas in turn, further explanation is provided below.

**a-d: convictions and cautions**

You must declare on your application if you have ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to people wishing to join the GOC register, and so you must also tell us about a conviction or caution even if you believe that it is no longer active (sometimes described as ‘spent’), and no matter how long ago it occurred.

You must also tell us about any convictions that you have received outside of the UK, which would be a criminal offence in England and Wales. Again, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable)
the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

e. a determination by a health or social care regulatory body

You must also tell us if you have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to practise, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you have received a determination relating to your fitness to practise from a regulatory body outside the UK, you must tell us about this.

If you have received a warning from the GOC’s Investigation Committee, you do not need to declare this when applying for restoration.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

f. current investigations by the police or regulatory body
You must declare on your application if you are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to practise, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Other information**

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct. The Code describes how the GOC expects that those on our register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to practise. These may include a current or previous barring decision made by the Independent Safeguarding Authority or the Protecting Vulnerable Groups scheme in Scotland. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Issues that **we do not** need to be informed about include:
• Being declared bankrupt. On its own, bankruptcy is not a matter that would affect your fitness to undertake training, unless you have also been cautioned or convicted for a crime in relation to the bankruptcy.

• If you are subject to a clinical negligence claim. We recognise that a patient may have made a claim against you in relation to clinical negligence. While this is being dealt with, you do not need to tell us about this. If you believe that the circumstances of the claim may affect your fitness to practise, you should tell us about this.

We also ask you to provide the following information regarding your period of non-registration:

• The reason that you did not renew your registration, and why you are seeking restoration to the register

• Whether you have undertaken the testing of sight; the fitting of contact lenses; the supply of optical appliances to individuals who are blind, partially sighted or under 16 years of age.

• Details about the CET points that you have achieved for your restoration. More information about the GOC’s CET scheme, and your responsibilities under the scheme, can be found on our website at: http://www.optical.org/en/our_work/Education/CET/index.cfm

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer, or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Fully qualified individual applicants who did not qualify in the UK**

If you wish to restore to the GOC register, and you did not qualify in the UK, the process for restoration is the same as that for UK qualified individual applicants. Please see the section ‘Fully qualified individual applicants’ above, which provides information about the declarations that you are required to make.

**Business applicants**

Any body corporate that wishes to carry on business as an optometrist or dispensing optician in the UK, and use a protected title in their business or trading name, must be registered with the GOC. More information about the requirements for business registration can be found on our website at:

http://www.optical.org/en/our_work/Registration/Applying_for_registration/Bodies_corporate.cfm

If you have been previously registered with us and for any reason have allowed your registration to lapse or we have removed you from the register, you must restore to the register to continue to practise. If you continue to carry on business as an optometrist or dispensing optician, using a title protected in law, while unregistered you are committing an offence and could be prosecuted.
In order for the GOC to restore you to the register, you must complete an application for restoration. As part of this application, you will be required to provide us with information including:

- The names and addresses of where you practise, as well as a contact address and the registered address of your business (where appropriate)
- Details relating to how your business meets one of the requirements for registration as body corporate: for example, the names of all of the directors of your company, and their GOC registration numbers where appropriate.
- Your previous GOC registration number, and dates of your previous registration period
- A declaration from you that the company is fit to carry on business or information about criminal or disciplinary investigations relating to the company or its directors, which we will need to consider before allowing your registration. This is discussed in more detail below.

All of the information that we ask from you is to help us ensure that:

- You are who you say you are
- You meet the requirements for registration with the GOC as a body corporate
- You meet our standards for fitness to carry on business
- We have your contact details

**Declaration of fitness to carry on business**

Section 9 of the Opticians Act 1989 (as amended) states that “a body corporate shall be entitled to be registered in the register if it satisfies the Council that it is fit to carry on business as an optometrist or a dispensing optician or to carry on both businesses”.

Part eight of the GOC (Registration) Rules 2005 states that applicants for registration as a body corporate shall make a declaration regarding disciplinary or criminal investigations or outcomes, on behalf of the business or any of its directors.

It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

**Declarations relating to criminal or disciplinary investigations or outcomes**

Applicants are required to declare the following, on behalf of the company and its directors:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;

b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);

c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)

d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely
e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that the body corporate’s fitness to carry on business as a member of that profession is impaired, or the fitness of a director of the body corporate to practise that profession is impaired.

f. If they were the subject of a determination by a regulatory body outside the United Kingdom to the same effect.

g. That they are currently the subject of any investigation or proceedings which might lead to any of the results described at a-f above.

Taking each of these areas in turn, further explanation is provided below.

*a-d: convictions and cautions*

You must declare on your application if the body corporate, or any of its directors, has ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to optometrists and dispensing opticians on the GOC register, and so you must also tell us about a conviction or caution received by a GOC registrant director even if you believe that it is no longer active (sometimes described as ‘spent’), and no matter how long ago it occurred.

You must also tell us about any convictions that the body corporate and its directors have received outside of the UK, which would be a criminal offence in England and Wales. Again, for GOC registrant directors, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

*e. a determination by a health or social care regulatory body*
Guidance on declarations – how we consider information that applicants or registrants declare

You must also tell us if you, or any of your directors, have had a determination made against by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to carry on business, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you, or any of your directors, have received a determination relating to your fitness to carry on business from a regulatory body outside the UK, you must tell us about this.

If you have received a warning from the GOC’s Investigation Committee, you do not need to declare this when applying for restoration.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

f. current investigations by the police or regulatory body

You must declare on your application if you, or any of your directors, are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you, or any of your directors, are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.
When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to carry on business, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

Other information

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct for business registrants. The Code describes how the GOC expects that those on our body corporate register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to carry on business. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

Section four: information for those applying for retention on the GOC register

This section provides information on the process for renewing your registration with the GOC and the information that you need to provide to us so that we can decide whether to continue to allow your registration. We have separated out this section into different parts for students, fully qualified individuals and optical businesses (bodies corporate), and some of the information we provide will be repeated in each of these sections.

More information about the registration process, including registration forms and how our fees are structured, can be found on our website at:
Student applicants

Anyone who wishes to undertake training as an optometrist or dispensing optician at a UK training institution must be registered with the GOC for the duration of the course of study. You are required to renew your registration with the GOC each year that you are in training. We call this renewal process retention.

In order for the GOC to renew your student registration, you must complete an application for retention.

As part of this application, you will be required to confirm to us that the information we hold about you is correct, and update any information where necessary. Confirmation information you will be asked to provide includes:

- The name of the educational establishment at which you will be studying, and the name of the course or training that you will be undertaking
- If applicable, the name and GOC number of your supervisor
- A declaration from you that you are a fit person to undertake training, or information about health conditions, or criminal or disciplinary investigations, which we will need to consider before allowing your registration. This is discussed in more detail below.

All of the information that we ask from you is to help us ensure that:

- You are who you say you are
- You continue to undertake training on a course and with an institution approved by the GOC
- You continue to meet our standards for fitness to undertake training
- We have your up to date contact details

The retention period for student registrants is from 1 April to 31 August each year. You must make your application (and pay the retention fee) by 15 July each year, otherwise you will incur a late application fee. Information about GOC fees can be found on our website at: https://www.optical.org/en/our_work/Registration/index.cfm

You can complete your application for retention by logging on to the MyGOC area of the GOC website.

Further information about retention can also be found on our website at: https://www.optical.org/en/our_work/Registration/Renewing_your_registration/index.cfm

Declaration of fitness to undertake training

Section 8A(3) of the Opticians Act 1989 (as amended) states that “a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he is fit to undertake training as an optometrist or a dispensing optician”.

Part five (sections 17 to 20) of the GOC (Registration) Rules 2005 relate to the retention requirements. Rule 20 states that “The Registrar may remove a registrant’s name from the
appropriate register if he is not satisfied that … the registrant is entitled to be registered under section … 8A(3)...."

It is your responsibility, as the applicant, to provide us with any information in relation to your continuing fitness to undertake training. If you do not do so, and information that you should have provided to us later comes to our attention, this may mean that we will take action in relation to your registration. As with applications for registration or restoration, the kinds of information you need to provide are discussed below.

**Declarations relating to health**

Declarations in relation to health fit broadly into the categories of physical or mental health (though there will be occasions where the declaration will contain elements of both).

The GOC does not make judgements about whether individuals are ‘healthy’ or in ‘good health’, or about disabilities. Disabilities and health conditions affect different people in different ways, and there is no list of ‘acceptable’ or ‘unacceptable’ health conditions or disabilities. The GOC also has a responsibility to ensure that it complies with the relevant sections of the Equalities Act 2010.

There is therefore no assumption that a person with a disability or someone with a long-term physical or mental health condition would pose a risk to the public while working as an optometrist or dispensing optician.

The GOC requires you to make a declaration about your health only if you believe that it may currently affect your fitness to undertake training. Fitness to undertake training is not the same as fitness to work in a particular job or at a particular time. So, temporary health issues do not necessarily mean that someone is not fit to undertake training, even if they are unable to work or study for a time. For instance, a minor illness or injury such as a broken wrist or flu might prevent someone from working or training for a period of time, but this does not mean that they are not ‘fit to practise’ for our purposes because they would expect to fully recover. There is therefore no reason for a temporary health condition to affect someone’s ability to remain registered with us.

If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how it could affect your ability to practise safely. Insight and understanding for our purposes mean that you have considered how your health condition may limit your ability to undertake certain aspects of training or practice, and have taken appropriate steps to ensure that you do not put patients, the public or yourself at risk.

When making a declaration about your health to us, you need only provide us with information that is relevant to your current fitness to undertake training. We do not need to know your full medical history; if we require more information from you, we will contact you and ask you to provide this. Also, you do not need to tell us about past periods of ill-health or disability if these do not currently affect your fitness to undertake training.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to your health, you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration. Provide us with as much information as possible, so we can assess whether your health condition could affect your ability to
undertake training. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Declarations relating to criminal or disciplinary investigations or outcomes

Applicants are also required to declare the following:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;

b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);

c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)

d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely

e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that their fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect.

f. That they are currently the subject of any investigation or proceedings which might lead to any of results described at a-e above.

Taking each of these areas in turn, further explanation is provided below.

a-d: convictions and cautions

You must declare on your application if you have ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to people wishing to join the GOC register, and so you must also tell us about a conviction or caution even if you believe that it is no longer active (sometimes described as ‘spent’), and no matter how long ago it occurred.

You must also tell us about any convictions that you have received outside of the UK, which would be a criminal offence in England and Wales. Again, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed.
and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

**e. a determination by a health or social care regulatory body**

You must also tell us if you have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to practise, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you have received a determination relating to your fitness to practise from a regulatory body outside the UK, you must tell us about this.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If you have received a warning from the GOC’s Investigation Committee, you do not need to declare this when applying for retention.

If you have previously been subject to GOC fitness to practise proceedings, but the matter has been concluded, you do not need to declare this unless we have previously told you to do so.
You should make a declaration that might affect your fitness to practise at the time that it occurs. If it comes to your attention that you have failed to declare something to the GOC that you now believe that you should have declared, you should declare this at the next retention period. When making this declaration, you should provide an explanation of the circumstances of the offence, and also the reason that you previously failed to declare it.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

f. current investigations by the police or regulatory body

You must declare on your application if you are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to undertake training, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

Other information

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct. The Code describes how the GOC expects that those on our register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to
undertake training. These may include a current or previous barring decision made by the Independent Safeguarding Authority or the Protecting Vulnerable Groups scheme in Scotland. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Issues that we do not need to be informed about include:

- Being declared bankrupt. On its own, bankruptcy is not a matter that would affect your fitness to undertake training, unless you have also been cautioned or convicted for a crime in relation to the bankruptcy.
- If you are subject to a clinical negligence claim. We recognise that a patient may have made a claim against you in relation to clinical negligence. While this is being dealt with, you do not need to tell us about this. If you believe that the circumstances of the claim may affect your fitness to undertake training, you should tell us about this.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your educational establishment or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Fully qualified individual applicants**

Anyone who wishes to practise as an optometrist or dispensing optician in the UK must be registered with the GOC. You are required to renew your registration with the GOC each year that you are in practice. We call this renewal process retention.

In order for the GOC to renew your registration, you must complete an application for retention.

As part of this application, you will be required to confirm to us that the information we hold about you is correct, and update any information where necessary. Confirmation information you will be asked to provide includes:

- The names and addresses of where you practise, as well as a contact address
- Information about your policy of insurance
- A declaration from you that you are a fit person to practise, or information about health conditions, or criminal or disciplinary investigations, which we will need to consider before allowing your registration. This is discussed in more detail

All of the information that we ask from you is to help us ensure that:

- You are who you say you are
- You continue to meet our standards for fitness to practise
- We have your up to date contact details
The retention period for fully qualified registrants is from the beginning of January to 31 March each year. You must make your application (and pay the retention fee) by 15 March each year, otherwise you will incur a late application fee. Information about GOC fees can be found on our website at: https://www.optical.org/en/our_work/Registration/index.cfm

You can complete your application for retention by logging on to the MyGOC area of the GOC website.

Further information about retention can also be found on our website at: https://www.optical.org/en/our_work/Registration/Renewing_your_registration/index.cfm

**Declaration of fitness to practise**

Section 8 of the Opticians Act 1989 (as amended) states that “a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he … is a fit person to practise as an optometrist or a dispensing optician”.

Part five (sections 17 to 20) of the GOC (Registration) Rules 2005 relate to the retention requirements. Rule 20 states that “The Registrar may remove a registrant’s name from the appropriate register if he is not satisfied that … the registrant is entitled to be registered under section 8 …”

It is your responsibility, as the applicant, to provide us with any information in relation to your continuing fitness to practise. If you do not do so, and information that you should have provided to us later comes to our attention, this may mean that we will take action in relation to your registration. As with applications for registration or restoration, the kinds of information you need to provide are discussed below.

**Declarations relating to health**

Declarations in relation to health fit broadly into the categories of physical or mental health (though there will be occasions where the declaration will contain elements of both).

The GOC does not make judgements about whether individuals are ‘healthy’ or in ‘good health’, or about disabilities. Disabilities and health conditions affect different people in different ways, and there is no list of ‘acceptable’ or ‘unacceptable’ health conditions or disabilities. The GOC also has a responsibility to ensure that it complies with the relevant sections of the Equalities Act 2010.

There is therefore no assumption that a person with a disability or someone with a long-term physical or mental health condition would pose a risk to the public while working as an optometrist or dispensing optician.

The GOC requires you to make a declaration about your health only if you believe that it may currently affect your fitness to practise. Fitness to practise is not the same as fitness to work in a particular job or at a particular time. So, temporary health issues do not necessarily mean that someone is not fit to practise, even if they are unable to work or study for a time. For instance, a minor illness or injury such as a broken wrist or flu might prevent someone from working for a period of time, but this does not mean that they are not ‘fit to practise’ for our purposes because they would expect to fully recover. There is therefore no reason for a temporary health condition to affect someone’s ability to remain registered with us.
If you declare a health condition to us, we will want to be sure that you have insight and understanding into your health and how it could affect your ability to practise safely. Insight and understanding for our purposes mean that you have considered how your health condition may limit your ability to undertake certain aspects of practice, and have taken appropriate steps to ensure that you do not put patients, the public or yourself at risk.

When making a declaration about your health to us, you need only provide us with information that is relevant to your current fitness to practise. We do not need to know your full medical history; if we require more information from you, we will contact you and ask you to provide this. Also, you do not need to tell us about past periods of ill-health or disability if these do not currently affect your fitness to practise.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to your health, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration. Provide us with as much information as possible, so we can assess whether your health condition could affect your ability to practise. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

Declarations relating to criminal or disciplinary investigations or outcomes

Applicants are also required to declare the following:

1. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;
2. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);
3. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)
4. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely
5. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that their fitness to practise as a member of that profession is impaired, or a determination by a regulatory body outside the United Kingdom to the same effect.
6. That they are currently the subject of any investigation or proceedings which might lead to any of results described at a-e above.

Taking each of these areas in turn, further explanation is provided below.

**a-d: convictions and cautions**

You must declare on your application if you have ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to people wishing to join the GOC.
register, and so you must also tell us about a conviction or caution even if you believe that it is no longer active (sometimes described as 'spent'), and no matter how long ago it occurred.

You must also tell us about any convictions that you have received outside of UK, which would be a criminal offence in England and Wales. Again, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:

- Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
- Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

e. a determination by a health or social care regulatory body

You must also tell us if you have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

- General Chiropractic Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Pharmaceutical Council
- Health Professions Council
- Nursing and Midwifery Council
- Pharmaceutical Society of Northern Ireland
- Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to practise, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you have received a determination relating to your fitness to practise from a regulatory body outside the UK, you must tell us about this.
When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If you have received a warning from the GOC’s Investigation Committee, you do not need to declare this when applying for retention.

If you have previously been subject to GOC fitness to practise proceedings, but the matter has been concluded, you do not need to declare this unless we have previously told you to do so.

You should make a declaration that might affect your fitness to practise at the time that it occurs. If it comes to your attention that you have failed to declare something to the GOC that you now believe that you should have declared, you should declare this at the next retention period. When making this declaration, you should provide an explanation of the circumstances of the offence, and also the reason that you previously failed to declare it.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**f. current investigations by the police or regulatory body**

You must declare on your application if you are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns
about your fitness to practise, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Other information**

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct. The Code describes how the GOC expects that those on our register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to practise. These may include a current or previous barring decision made by the Independent Safeguarding Authority or the Protecting Vulnerable Groups scheme in Scotland. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

**Issues that we do not need to be informed about include:**

- Being declared bankrupt. On its own, bankruptcy is not a matter that would affect your fitness to practise, unless you have also been cautioned or convicted for a crime in relation to the bankruptcy.
- If you are subject to a clinical negligence claim. We recognise that a patient may have made a claim against you in relation to clinical negligence. While this is being dealt with, you do not need to tell us about this. If you believe that the circumstances of the claim may affect your fitness to practise, you should tell us about this.

If, after reading this guidance, you are still unsure about whether you should make a declaration you should make the declaration. You may also wish to speak to your employer or professional body, or take your own legal advice, before deciding whether to make a declaration.

**Fully qualified individual applicants who did not qualify in the UK**

If you wish to retain your name on the GOC register, and you did not qualify in the UK, the process for retention is the same as that for UK qualified individual applicants. Please see the section ‘**Fully qualified individual applicants**’ above, which provides information about the declarations that you are required to make.
**Business applicants**

Any body corporate, that wishes to carry on business as an optometrist or dispensing optician in the UK, and use a protected title in their business or trading name, must be registered with the GOC. You are required to renew your registration with the GOC each year that you are in practise. We call this renewal process **retention**.

More information about the requirements for business registration can be found on our website at:

http://www.optical.org/en/our_work/Registration/Applying_for_registration/Bodies_corporate.cfm

In order for the GOC to register your body corporate, you must complete an application for retention. As part of this application, you will be required to confirm to us that the information we hold about you is correct, and update any information where necessary. Confirmation information you will be asked to provide includes:

- The names and addresses of where you practise, as well as a contact address and the registered address of your business (where appropriate)
- A declaration from you that the company is fit to carry on business, or information about criminal or disciplinary investigations relating to the company or its directors, which we will need to consider before allowing your registration. This is discussed in more detail below.

All of the information that we ask from you is to help us ensure that:

- You are who you say you are
- You meet the requirements for registration with the GOC as body corporate
- You meet our standards for fitness to carry on business
- We have your contact details

The retention period for body corporate registrants is from the beginning of January to 31 March each year. You must make your application (and pay the retention fee) by 15 March each year, otherwise you will incur a late application fee. Information about GOC fees can be found on our website at:

https://www.optical.org/en/our_work/Registration/index.cfm

You can complete your application for retention by logging on to the MyGOC area of the GOC website.

Further information about retention can also be found on our website at:

https://www.optical.org/en/our_work/Registration/Renewing_your_registration/index.cfm

**Declaration of fitness to carry on business**

Section 9 of the Opticians Act 1989 (as amended) states that “a body corporate shall be entitled to be registered in the register if it satisfies the Council that it is fit to carry on business as an optometrist or a dispensing optician or to carry on both businesses”.

Guidance on declarations – how we consider information that applicants or registrants declare
Part five (sections 17 to 20) of the GOC (Registration) Rules 2005 relate to the retention requirements. Rule 20 states that “The Registrar may remove a registrant’s name from the appropriate register if he is not satisfied that … the registrant is entitled to be registered under section … 9”

It is your responsibility, as the applicant, to provide us with any information in relation to these areas. If you do not do so, and it later comes to our attention, this may mean that we will take action in relation to your registration.

Declarations relating to criminal or disciplinary investigations or outcomes

Applicants are required to declare the following, on behalf of the company and its directors:

a. Any conviction (including conviction by court martial) or caution received in the British Islands for a criminal offence, or a conviction elsewhere which, if committed in England or Wales, would constitute a criminal offence;
b. If they have accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal);
c. If they agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution)
d. If they have been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging them absolutely

e. If they were the subject of a determination by a body in the United Kingdom responsible for the regulation of a health or social care profession to the effect that the body corporate’s fitness to carry on business as a member of that profession is impaired, or the fitness of a director of the body corporate to practise that profession is impaired.
f. If they were the subject of a determination by a regulatory body outside the United Kingdom to the same effect.
g. That they are currently the subject of any investigation or proceedings which might lead to any of results described at a-f above.

Taking each of these areas in turn, further explanation is provided below.

a-d: convictions and cautions

You must declare on your application if the body corporate, or any of its directors, has ever received a conviction or a caution, and additionally any of the outcomes relating to the Scottish courts as described above. The Rehabilitation of Offenders Act 1974 does not apply to optometrists and dispensing opticians on the GOC register, and so you must also tell us about a conviction or caution received by a GOC registrant director even if you believe that it is no longer active (sometimes described as ‘spent’), and no matter how long ago it occurred.

You must also tell us about any convictions that the body corporate and its directors have received outside of the UK, which would be a criminal offence in England and Wales. Again, for GOC registrant directors, you should tell us about these matters even if you believe they are spent.

However, we do not need to know about the following:
• Road traffic offences that have been dealt with by way of a fixed penalty (this usually means that you were not summoned or required to attend a court)
• Street cautions or warnings issued by the police, except where they relate violence, dishonesty, or drugs offences.

When making a declaration in relation to a conviction or caution, please provide as much information as possible, including the offence committed, the penalty or punishment imposed and the circumstances leading to the offence. You should also include (where applicable) the amount of any fine, the name of the court, and any certificate of conviction. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a conviction or caution, you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

e. a determination by a health or social care regulatory body

You must also tell us if you, or any of your directors, have had a determination made against you by a health or social care regulatory body in the UK. The relevant bodies are as follows:

• General Chiropractic Council
• General Dental Council
• General Medical Council
• General Optical Council
• General Osteopathic Council
• General Pharmaceutical Council
• Health Professions Council
• Nursing and Midwifery Council
• Pharmaceutical Society of Northern Ireland
• Primary care organisations or Health Boards

If you are, or have ever been registered with a regulatory body, and have received a sanction relating to your fitness to carry on business, you must tell us about this. Additionally, if you have been subject to a sanction by a NHS primary care organisation (for example a Primary Care Trust or Local Health Board), either as an employee or service provider, you must inform us of this. Also, if you, or any of your directors, have received a determination relating to your fitness to carry on business from a regulatory body outside the UK, you must tell us about this.

When making a declaration in relation to a determination by a regulatory body, please provide as much information as possible, including the outcome or sanction imposed and the circumstances leading to the determination. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.
If you have received a warning from the GOC’s Investigation Committee, you do not need to declare this when applying for retention.

If you have previously been subject to GOC fitness to practise proceedings, but the matter has been concluded, you do not need to declare this unless we have previously told you to do so.

You should make a declaration that might affect your fitness to practise at the time that it occurs. If it comes to your attention that you have failed to declare something to the GOC that you now believe that you should have declared, you should declare this at the next retention period. When making this declaration, you should provide an explanation of the circumstances of the offence, and also the reason that you previously failed to declare it.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

**f. current investigations by the police or regulatory body**

You must declare on your application if you, or any of your directors, are currently subject to an investigation by the police for an offence which may lead to a conviction or caution. If you are under investigation by a health or social care regulatory body (see the previous section), or a primary care organisation, you must also tell us about this.

If you, or any of your directors, are under investigation by a police force outside the UK, for an offence that would lead to a conviction in England or Wales, you must declare this. Also, if you are being investigated by a health or social care regulatory body outside the UK, you must also tell us of this.

When making a declaration in relation to current investigations, please provide as much information as possible, including information about the circumstances leading to the investigation. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application.

In cases where we receive an application that includes a declaration about a current investigation, it is likely that this will not prevent you from being registered. However, this will depend on the nature and seriousness of the allegations against you being investigated. If we do decide to register you, we will require you to inform us of the outcome of the investigation. If the outcome leads to you being given a sanction, or we have concerns about your fitness to carry on business, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.
Other information

In addition to the declarations described above that you are required to make, any successful applicant must comply with the GOC Code of Conduct for business registrants. The Code describes how the GOC expects that those on our body corporate register should behave, to ensure the safety and welfare of patients and the public. You should make your application with reference to the Code, and declare any matters to the GOC on your application that may affect your fitness to carry on business. Providing us with as much information as early as possible will help to prevent us having to ask you for more information, which will slow down the progress of your application. If you do not inform us of these matters, and they come to our attention later, we may decide to refer you to the GOC’s Fitness to Practise team; they will then consider whether we need to further investigate, and take action that might affect your continuing registration.

If, after reading this guidance, you are still unsure about whether you should make a declaration in relation to a determination you should make the declaration. You may also wish to speak to your professional body, or take your own legal advice, before deciding whether to make a declaration.

Section five: how we consider information that we receive

This section explains how we consider the information that you declare, and the process we follow when reaching a decision. It also discusses what happens following the decisions we make. We have separated the section into an explanation of how we deal with declarations about health, criminal or disciplinary matters, or practising or training while unregistered. As the process is similar for each type of declaration, some of the information in this section is repeated.

Information about health

If you make a declaration to us that relates to mental or physical health, we will usually ask you to provide further information about the nature of your health condition. We may also ask you to provide us with a letter from your general practitioner or treating clinician, or ask for your consent to contact them, so that they can provide us with further information about your health. In most circumstances, they will be asked to provide answers to the following questions:

- Does the condition that has been declared affect the applicant’s fitness to practise?
- If so, in what way?
- What are the symptoms of the condition?
- Is it a recurring/relapsing condition?
- Is there any ICD-10\(^1\) classification which applies to the condition?

In addition to any information that we have requested from you or your doctor, we will ask you for any comments or representations you wish to make in relation to your health condition, and whether you believe it affects your fitness to practise. Depending on the nature of the health condition that you declare to us, we may also ask you to look at the

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\(^1\) The International Statistical Classification of Diseases and Related Health Problems, 10th Revision (known as "ICD-10") is a medical classification list for the coding of diseases, signs and symptoms, abnormal findings, complaints, social circumstances, and external causes of injury or diseases, as maintained by the World Health Organization (WHO).
relevant GOC clinical competencies, and consider whether you believe that your health condition would prevent you from meeting all of the competencies. We may also request information from any other person or organisation if we believe that it is relevant to the declaration that you have made.

Once we have all of the information, this will be considered by the Registrar. A member of the Registration team will ensure that all of the information that has been supplied to us in relation to the declaration is put before the Registrar, including a coversheet which gives a summary of the information, and a recommendation for the decision to be taken.

The Registrar will decide whether to grant or refuse the application. When making this decision, the Registrar will consider all of the information available, and provide reasons for the decision that has been taken. The Registrar will ensure that there is a consistent approach to decision making, and will take reasonable steps to ensure this.

All decisions that the Registrar take will be recorded, and you will be given the reasons for the decision when we tell you the outcome of the Registrar’s consideration.

In the event that the Registrar grants an application, and it later comes to our attention that a different decision should have been reached, the Registrar will refer the matter to the GOC’s Fitness to Practise team.

When we notify you of the outcome of the Registrar’s consideration, we may tell you that you do not need to declare the matter to us again, or that we only need to be informed about the health condition again in the event that your health circumstances change. We may also advise you on any future steps you need to take in relation to your health condition and your registration. If you fail to follow this advice, this may affect your fitness to practise in the future.

The decision of the Registrar is made in private and reasons for decision are not published. However, there will be occasions where the consideration of an application by the Registrar becomes public knowledge. If this happens the GOC will release information in accordance with our disclosure policy and in compliance with the law, in order to maintain public confidence in our regulatory activities.

Information about criminal or disciplinary matters

If you make a declaration to us that relates to criminal or disciplinary matters, we will usually ask you to provide further information about the nature of these investigations or outcomes. We may also ask you to provide us with any certificates of conviction or caution, up to date Criminal Records Bureau checks (or their equivalent), or copies of court transcripts. We may also ask for your consent to request information about you from investigating bodies, or ask you to provide us with this information. We may also request information from any other person or organisation if we believe that it is relevant to the declaration that you have made.

In addition to any information that we have requested from you or an investigating body, we will ask you for any comments or representations you wish to make in relation to your declaration, and whether you believe it affects your fitness to practise.

Once we have all of the information, this will be considered by the Registrar. A member of the Registration team will ensure that all of the information that has been supplied to us in
relation to the declaration is put before the Registrar, including a coversheet which gives a summary of the information, and a recommendation for the decision to be taken.

The Registrar will decide whether to grant or refuse the application. When making this decision, the Registrar will consider all of the information available, and provide reasons for the decision that has been taken. The Registrar will ensure that there is a consistent approach to decision making, and will take reasonable steps to ensure this.

The GOC respects the fundamental right that any person must be treated as innocent until a court establishes guilt. Accordingly, as a general principle the Registrar will not refuse an application simply on the basis that an investigation is on-going. Very exceptionally, however, the Registrar will refuse an application where there is an investigation in progress. This is because the GOC’s overriding duty is the protection of members of the public.

Accordingly, in a situation where a current GOC registrant may be suspended under section 13L of the Opticians Act 1989 (as amended) by way of an interim order, the Registrar may decide for the protection of the public, otherwise in the public interest, or in the interest of the registrant himself that the application for retention on the register should be refused.

All decisions that the Registrar takes will be recorded, and you will be given the reasons for the decision when we tell you the outcome of the Registrar’s consideration.

In the event that the Registrar grants an application, and it later comes to our attention that a different decision should have been reached (for example an investigation has concluded with an outcome that might affect your fitness to practise), the Registrar will refer the matter to the GOC’s Fitness to Practise team.

When we notify you of the outcome of the Registrar’s consideration, we may tell you that you do not need to declare the matter to us again. We may also advise you on any future steps you need to take in relation to this declaration and your registration. If you fail to follow this advice, this may affect your fitness to practise in the future. If you have declared that you are currently under investigation, we will ask you to notify us of the outcome of the investigation as soon as you know it.

The decision of the Registrar is made in private and reasons for decision are not published. However, there will be occasions where the consideration of an application by the Registrar becomes public knowledge. If this happens the GOC will release information in accordance with our disclosure policy and in compliance with the law, in order to maintain public confidence in our regulatory activities.

**Practising or training while unregistered**

If you declare to us that you have practised, undertaken training, or (for bodies corporate) carried on business whilst unregistered, we will usually ask you to provide further information about the activities you have undertaken. We will also ask you if these activities were carried out under supervision, and if so we will request the name and GOC number of your supervisor. We may then request further information from your supervisor, or any educational body with which you have undertaken training. We may also request information from any other person or organisation if we believe that it is relevant to the declaration that you have made.
In addition to any information that we have requested from you or an investigating body, we will ask you for any comments or representations you wish to make in relation to your declaration, and whether you believe it affects your fitness to practise.

Once we have all of the information, this will be considered by the Registrar. A member of the Registration team will ensure that all of the information that has been supplied to us in relation to the declaration is put before the Registrar, including a coversheet which gives a summary of the information, and a recommendation for the decision to be taken.

The Registrar will decide whether to grant or refuse the application. When making this decision, the Registrar will consider all of the information available, and provide reasons for the decision that has been taken. The Registrar will ensure that there is a consistent approach to decision making, and will take reasonable steps to ensure this.

All decisions that the Registrar take will be recorded, and you will be given the reasons for the decision when we tell you the outcome of the Registrar’s consideration.

In the event that the Registrar grants an application, and it later comes to our attention that a different decision should have been reached the Registrar will refer the matter to the GOC’s Fitness to Practise team.

When we notify you of the outcome of the Registrar’s consideration, we may tell you that you do not need to declare the matter to us again. We may also advise you on any future steps you need to take in relation to this declaration and your registration. If you fail to follow this advice, this may affect your fitness to practise in the future. We will also advise you of the effect of your period of non-registration on any examinations, assessments or training that you have undertaken while unregistered. We will also notify your educational establishment of the circumstances of the declaration, where this is relevant.

The decision of the Registrar is made in private and reasons for decision are not published. However, there will be occasions where the consideration of an application by the Registrar becomes public knowledge. If this happens the GOC will release information in accordance with our disclosure policy and in compliance with the law, in order to maintain public confidence in our regulatory activities.

How to appeal against a decision

As described above, the decision of the Registrar will be given to you in writing with reasons. Also in the letter will be information about how to appeal against the decision of the Registrar.

Under the terms of paragraph two of schedule 1A to the Opticians Act 1989 (as amended), a decision by us not to register you is an appealable registration decision. It is therefore open for you to appeal to the Registration Appeals Committee against this decision not to admit your name to the register. Should you wish to bring such an appeal, you must give notice of appeal in accordance with paragraph four of schedule 1A.

Under the terms of paragraph 4 (3) of that schedule, you have 28 days from the date of the letter advising you of the Registrar’s decision to tell us, in writing, should you wish to pursue an appeal. If you do not tell us that you wish to appeal within 28 days, you will not be able to appeal at a later time.
Once we have received notice that you wish to appeal, we will contact you to confirm that we have received your correspondence, and what the next steps will be.

If you do not wish to appeal, this does not prevent you from making another application in the future. However, if you do this, you should consider the reasons why the Registrar refused your application, and what if anything you can do to satisfy the Registrar that you are a fit person to be on the GOC register.

Where to find further information

The following documents may be helpful to you when you are making an application that includes a declaration:

- The GOC Codes of Conduct
- The Opticians Act 1989 (as amended), and the GOC Rules
- The competencies for optometrists and dispensing opticians
- Protocol for the investigation and prosecution of criminal offences

All of this information can be found on our website.

Disclaimer

The information in this document is intended as guidance only, and is correct as at the date on the first page. It is intended that it is a living document. It will be amended as and when appropriate, taking into account the growing experience of the GOC in dealing with applications with declarations, as well as legal developments, including the amendment/introduction of legislation and new case law. The GOC will review this guidance periodically. The GOC will highlight any significant amendments to this Guidance by publishing the amended version on the GOC’s website, www.optical.org at least one month before the amended Guidance will be used by the Registrar.
Annex one – GOC statement on applications for transfer of registration where the applicant is under fitness to practise investigation by the GOC.

From time to time the GOC will receive applications from registrants who wish to transfer their registration from one part of the GOC register to another. This is most usually the case where student optometrists or dispensing opticians complete their qualification and apply for registration as a fully qualified practitioner.

In cases where an application for transfer is made and the applicant is subject to fitness to practise investigation, then the GOC will refuse the application for transfer until such time as the investigation has been concluded. The Registrar will not consider the circumstances of any individual case when making this decision; the fact of the investigation will be the reason for the refusal.