

General Optical Council – Legal Adviser

Information pack for applicants

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1. Introduction

We are the regulator for the optical professions in the UK. Our purpose is to protect the public by promoting high standards of education, performance and conduct amongst opticians. We currently register around 30,000 optometrists, dispensing opticians, student opticians and optical businesses.

We have four core functions:

- Setting standards for optical education and training, performance and conduct.
- Approving qualifications leading to registration.
- Maintaining a register of individuals 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.

It is absolutely essential for both public protection and confidence in the professions that the General Optical Council (GOC) provides a high quality, robust and fair service across all its core functions.

The GOC has five statutory committees defined under the Opticians Act and related Rules:

- Companies Committee
- Education Committee
- Investigation Committee
- Registration Committee
- Standards Committee

The Fitness to Practise Committee hears cases where a registrant's fitness to practise is in question, considers allegations, hears oral evidence and take decisions including sanctions.

The Registration Appeals Committee considers appeals against decisions relating to applications for registration.

This information pack provides details of the role, information on the GOC, details of how to apply and information regarding the appointments process as well as further detail about the timetable. If you welcome the challenge of helping to take a leading role in supporting optical regulation at this time, we would be delighted to hear from you.

2. Overview

Main purpose of the role

Legal Advisers are to be appointed for the purpose of giving advice to the Fitness to Practise and Registration Appeals Committees on questions of law arising in connection with any matter which the Committee is considering. They will provide legal advice to the Committee and assist the Chair in making sure that the hearing is conducted fairly. The Legal Adviser drafts the decision of the Committee but does not play any role in the Committee decision-making.

Timeline

The key timeline for this recruitment exercise are set out below*:

Stage	Timeline
Application deadline	Monday 22 July 2019 – (17:00)
Notifying applicants who are invited to interview	By 5 August 2019
Interviews	Will take place between 12–16 August 2019

[*please note that timelines may be subject to change depending on the volume of responses]

Competencies required

Applicants will need to demonstrate that they have the necessary skills and competencies for the role as specified in section 4.

Eligibility

Please carefully read the information about potential conflicts of interest before you submit an application.

Remuneration

The daily rate for all hearings will be £450 plus VAT.
The half day rate will be £225 plus VAT.

Training day attendance: **£223 per day**

Time commitment

Legal Advisers are drawn from a pool to advise committee members considering the case, subject to availability and case workflow at the GOC's discretion. The number of days' commitment for Legal Advisers is dependent on the number of hearings taking place, but Legal Advisers should be available to offer a minimum commitment of 15-20 days per year.

Please note that a guarantee of a minimum number of days' attendance during the appointment period cannot be given. In addition, the General Optical Council is not obliged to offer you work under this agreement.

Conflicts of interest

Business or personal interests that might be relevant to our work, and which could lead to a real or perceived conflict of interest were you to be appointed, should be declared at the application stage. You should also declare if you have any close personal relationships with GOC or committee members, hearing panel members or employees (including case examiners). Any actual, potential or perceived conflicts of interest will be fully explored by the selection panel at shortlisting and interview stage. Applicants will be given an opportunity to explain how they would manage or eliminate the conflict. It is possible that certain conflicts will not be manageable or might be dealt with as a condition of appointment (for example, an applicant needing to terminate their conflicting activity in order to take up the role).

If you wish to discuss an actual or potential interest before submitting your application, please email Vineeta Desai (vdesai@optical.org).

Key contacts

For more information about the selection process, please email Vineeta Desai (vdesai@optical.org) and we will aim respond to your query within 48 hours.

3. Role and responsibilities of a GOC Legal Adviser

Appointment of Legal Advisers

Section 23D of the Opticians Act 1989 provides the powers to appoint legal advisers and the powers to make supplementary rules as to their functions.

Legal Advisers must have at least 5 years' experience of practice and must not be a member of the Council. They are to be appointed for the purpose of giving advice to the Fitness to Practise and Registration Appeals Committees on questions of law arising in connection with any matter which the Committee is considering.

Role and Duties

These are derived from:

- The statutory scheme (s23D of the Act and the FTP Rules 2013)
- The case law of other healthcare regulators

Passive Role

Under Rule 43 the Legal Adviser must:

- Be present at all hearings
- Advise on questions referred to him/her by the Committee relating to the law, evidence and procedure
- Advise the Committee on an issue of law where it appears to the legal adviser that, without the legal adviser's intervention, there is a possibility of a mistake of law being made
- Intervene to advise the Committee of any irregularity in the conduct of the proceedings which comes to the legal adviser's knowledge
- if the Committee so requires, advise on drafting of decisions.

Active Role

Under Rule 41, any special measures that the Committee wish to adopt in order to hear evidence from a vulnerable witness are "subject to the advice of the legal adviser".

Under Rule 47, the Legal Adviser can ask questions of any witness, with the permission of the Chair of the Committee.

4. Person Specification: essential and desirable competences required

Candidates are required to provide on the application form examples of how their experience matches the competences required to be effective in the role. For applicants who have a similar level of skills, knowledge and experience evidenced against the essential competences, an assessment against the desirable competences will be made in order to rank applications. Therefore, candidates who provide evidence that also support the desirable competences may be even better positioned to demonstrate that they meet the challenges of the position.

Candidates who are shortlisted for interview will need to demonstrate they have these competences.

The successful applicant will be able to demonstrate:

Essential competencies

Understanding of law, procedure, committee function and own role

- Sound knowledge of civil or criminal law in England, Wales Scotland and Northern Ireland, the Human Rights Act and other relevant legislation and current knowledge of relevant court decisions.
- Shows commitment to and understanding of the GOC's fitness to practise and interim order policies and procedures and the legal framework within which fitness to practise hearings work.
- Commitment to learn and develop professionally; maintenance of up to date qualifications and specialisms in own field.
- Able to understand and assimilate the facts, arguments and allegations, and can recall such material speedily and accurately and manage complex material with ease

Professionalism and personal qualities

- Ability to support decision making to ensure it is fair, accurate and legally sound.
- Able to ensure own views are heard, constructively and legally challenge the opinions of others, work to achieve a shared consensus and accept collective responsibility.
- Calm, patient, tolerant and non-confrontational manner, even if provoked.
- A level of sensitivity which reflects the serious nature of proceedings, including appropriate concern for distressed parties and witnesses.
- Generates trust, confidence and respect in others.

Communication and conduct of hearing

- Excellent drafting skills is able to produce clear concise and accurate explanations of the Committee's decision made in circumstances where the issues may be complex or technical and structure these appropriately.
- Good time management, punctuality and presentation skills.
- Able to concentrate for long periods of time.
- Listens actively to evidence/submissions, avoids assumptions, checks understanding with others and shares information, working collaboratively with panel.
- Accurately and concisely records relevant points from evidence and discussion.
- Manages the unexpected appropriately.

Understands and values diversity and deals fairly

- Commitment to equality, diversity & inclusion, impartiality and fair treatment
- Ability to ensure that arrangements are made for a fair hearing and can provide appropriate support to parties and colleagues during hearings in line with legislative and contractual requirements.
- Aware of own biases (conscious and unconscious) and manages these appropriately
- Exhibits impartial facial expression, body language and gestures
- Able to present a fair and balanced view based on all the information presented.

Essential criteria

- Must be legally qualified and have at least 5 years post qualification experience
- Extensive experience in public law and/or regulatory law
- Excellent drafting skills and is able to produce clear concise and accurate explanations of the Committee's decision made in circumstances where the issues may be complex or technical and structure these appropriately within tight timeframes.
- Experience of evaluating evidence and providing objective and unbiased opinion.

Desirable criteria

- Experience of giving advice to tribunals or similar bodies.

5. How to apply

Application form and the **EDI monitoring form** can be downloaded from our website.

We highly recommend you read this pack, paying particular attention to the competences required, before starting to complete your application form, so you can take this into account when writing your competency statements.

We recommend you allow ample time to complete and review the application form. Please do not assume the selection panel will rate your application based on your CV. Make sure you include plenty of evidence in your application form.

Please send your completed application, with a CV, (no more than 3 A4 sides) and a completed EDI monitoring form, to vdesai@optical.org by **17:00 on Monday 22 July 2019**.

Your CV should outline your employment history (max ten years), any relevant voluntary work, public service or other experience, together with any relevant professional, academic or vocational qualifications. Your CV will be used to assist the assessment of your expertise but it will not be used as a substitute for fully completing the application form. **Please note that CVs alone will not be accepted.**

The EDI monitoring form will be separated from your application form prior to shortlisting. We are committed to ensuring equality and diversity and **completion of this form is a mandatory requirement of the application**. We use this form to monitor diversity at all stages of the appointments process – see section seven of this pack.

To ensure fairness to all candidates, any additional information you provide will be removed from your application (for example, cover letters, appraisals, examples of work, etc.). The Panel will assess your suitability for the role (against the stated competences) via the application form only (with CV to assist).

How to complete competency based answers in the application form

Providing competency statements is important because the selection panel will use them to assess your suitability for the role. It is not sufficient to say that you have the relevant experience – you should show evidence of making a success of that experience by describing how you acted in particular scenarios, and what effect those actions had.

For each competency, think about and consider providing examples which:

- can be used to demonstrate how you meet the competency;
- allow you to explain in some detail your individual involvement and role in the matter;
- had a positive impact (less successful examples are just as acceptable but you may wish to reflect in your answer the lessons learned);
- clearly identify the impact of your actions; and
- can allow you to highlight other key skills or knowledge mentioned in the candidate pack (if possible).

By using the recommended approach to each competency, it will help you break down the “300 word limit” into four/five manageable chunks. The majority of your 300 words should be on the **Action** and **Results** (and **Reflection** when appropriate). There are a lot of helpful websites that explain how to answer “STARR questions”.

If you do not have an example to use we recommend that you seek advice from those who have observed you in a professional, academic, voluntary or other vocational capacity as there could be examples which you have forgotten about. We recommend you do not leave an answer box blank. By leaving it blank you indicate that you do not (or cannot) meet the competency.

Reviewing your application

It is helpful to review your application before submission, considering whether you:

- have included everything that you needed to;
- have included anything irrelevant or repetitive;
- are able to re-write your statements to adhere to the 300 word limit, without losing any necessary information; and/or
- whether you could use bullet points to summarise.

Once you have reviewed your answers, take a moment to thoroughly proofread it. Check for errors — especially typos and misspellings. You could ask someone you trust to do this so they can give feedback on the content, grammar and spelling.

If you have any questions please email them to Vineeta Desai at vdesai@optical.org and we will aim to respond to you within 48 hours.

Should you wish to contact us by mail or by telephone, our contact details are:

Address: General Optical Council, 10 Old Bailey, London, EC4M 7NG

Tel: 020 7871 0411

Interview stage

Competencies required to fulfil the role will be tested at interview. Applicants who are shortlisted for interview will need to show that they have the essential competencies required to be effective in the role.

6. Once we receive your application

We will process your application as quickly as possible and will keep you informed at key stages. Please read the information below carefully, which outlines important information and our process once we receive your application:

- We will acknowledge receipt of your application (by email if provided) within two working days and check it for completeness and eligibility. If we are unable to open or print your application or your application is incomplete, you will be contacted immediately. If we then do not receive your application by the specified time, it will be assumed you are no longer interested in the role.
- **Candidates shortlisted for interview will be notified no later than one week before interviews.** If you have **not** heard from us by this date, please assume you have not been invited to interview. This will be confirmed to you via email. Please note that feedback will only be available to candidates who attend interview but are not appointed.
- Interviews will take place at the GOC office – 10 Old Bailey, London, EC4M 7NG.
- Where a candidate is unable to attend an interview on the published dates, the selection panel *may* consider a new date, but this is at their discretion and in light of those interviewed first time.
- If invited to interview, the selection panel will ask questions about your experience and expertise to find whether you meet the competences as set out in the person specification.
- If, in the view of the selection panel, you are able to demonstrate that your skills and experience most closely match the competences required for this position, you will be offered appointment.
- All candidates who have been interviewed will be notified of the outcome once the final decision has been made, which we expect to be during the week following interviews.
- References for candidates who are offered appointment will be taken following interview. An appointment will not be confirmed until the GOC has received two satisfactory references.
- On appointment, you will receive further information about training and induction.

7. Equality, diversity and inclusion

We strive to be as diverse as the public we protect and welcome applications from everyone, regardless of age, disability, gender reassignment, race/ethnicity, religion or belief, gender, sexual orientation, marriage and civil partnership, pregnancy and maternity. We are committed to equality of opportunity for all and appointments will be made solely on merit. We believe that for any organisation to be successful, it needs to work with the most talented and diverse people available. We positively encourage applications from people from all of the community, from all backgrounds and with a broad range of experience. We undertake that your application will be dealt with fairly and that all decisions we make about it will be based on merit and your ability to meet the person specification.

To ensure all candidates are treated fairly, we monitor diversity at all stages of the appointments process taking information from the monitoring form submitted on application. Information provided is treated as strictly confidential and will be used for monitoring purposes only. It will not be seen by anyone directly involved in the selection process. It will not be treated as part of your application but completion and submission of the monitoring form is a mandatory requirement of application. No information will be published in any way which allows any individuals to be identified. Our [approach to monitoring](#) and information gathered from application processes is published annually, on our website in our [monitoring report](#).

We have signed up to the [Equality and Human Rights Commission's \(EHRC\) Working Forward pledge](#), which promotes key standards for inclusive policies and processes for pregnant women or those on maternity leave. We also consider the same standards will be applicable for paternity or shared parental leave. We are committed to ensuring excellent flexible working arrangements.

If you would like to discuss your requirements for reasonable adjustments at any stage of the recruitment process in more detail please contact us on 07989 147099. If you would like more information on reasonable adjustments please see the [EHRC website](#).

8. Data protection

Our [information governance framework and associated policies](#) are published on our website. We are required to retain information about the people who apply for public appointments and make this available for audit purposes, if requested to do so. We hold the information we collect in respect of public appointments as per our retention schedule and then securely destroy it. This includes:

- initial contact details, including your name and address;
- application form and any supporting documentation; and
- EDI monitoring information.

This information is used to process your application and appointment if successful.

Some of the information requested on the application form will be made public if you are appointed (your name, brief career/background history, other public appointments held, any other information that it is in the public interest to disclose). As a public body, we may be required to release information on request under the Freedom of Information Act 2000. However, we will not permit any unwarranted breach of confidentiality or privacy nor will we act in contravention of our obligations under the Data Protection Act 2018.

The GOC, as the data controller, holds personal and sensitive information relating to you, which is held and processed to fulfil contractual requirements as stated in the GOC's privacy statement, in accordance with the Data Protection Act 2018 and all appropriate data legislation.

To enable us to complete this function, we hold personal and special category information which includes health records, financial information as well as equality monitoring and next of kin information where this has been provided.

We share member personal or financial information with relevant third parties when it is necessary to fulfil our statutory functions, for example in assurance checks, financial arrangements and other contractual activities like training administration or health and safety reporting, or within our legitimate interests.

“Processing” includes anything that can be done with or in relation to data. It includes collection, recording, storage and operations on the data including organising, erasing and disclosure.

During your term of office with the GOC you may have access to personal and sensitive personal data relating to other employees, members and/or registrants. You agree to comply with the GOC's [Information Governance Framework and Policies Handbook](#) and act in accordance with the Data Protection Act 2018 and all appropriate data legislation at all times

If you wish to further discuss how we use your information, please do not hesitate to contact our Compliance Team via foi@optical.org or telephone 0207 307 3898.

9. Dealing with your concerns

We aim to process all applications as quickly as possible and in accordance with our [appointments process](#) which will be applied consistently to all applicants. However, if you have a complaint about the process used in this appointment campaign, please refer to our [policy on complaints and feedback](#) about the GOC which provides guidance on what can and cannot be considered and how to raise concerns. In the first instance, you should raise your concern/complaint informally within 48 hours of the action you are complaining about.

You can raise your concern by letter (10 Old Bailey, London, EC4M 7NG), email (hearings@optical.org) or telephone 0207 307 3898