

**GENERAL OPTICAL COUNCIL CONSULTATION ON PROPOSED
AMENDMENTS TO THE CODE OF CONDUCT FOR INDIVIDUAL REGISTRANTS
AND THE CODE OF CONDUCT FOR BUSINESS REGISTRANTS**

Introduction

1. The General Optical Council (GOC) is inviting comments on its proposals to amend the Code of Conduct for Individual Registrants and the Code of Conduct for Business Registrants. This consultation document outlines the background to the proposals, the rationale for the proposed changes to the codes, and asks you some questions in relation to the proposals. Whilst the questions highlight the areas where we would particularly appreciate your feedback, comment is invited on all aspects of the proposals. In particular, if you disagree with any of the proposed amendments, we would like your own proposals on how the Codes might be amended.
2. This consultation closes on **INSERT DATE**. We will consider all responses, and what changes we wish to make in the light of these. We do not anticipate any revisions to the Code of Conduct for Individual Registrants or the Code of Conduct for Business Registrants to come into force before July 2009 at the earliest.

Background

3. Under the Opticians Act 1989, the GOC is required to issue guidance to registrants in relation to their fitness to practise, fitness to undertake training, and fitness to carry on business as an optometrist, dispensing optician or both. To fulfil this requirement, in 2005 the GOC issued two codes of conduct: The Code of Conduct for Individual Registrants and the Code of Conduct for Business Registrants. These codes set out broad principles of conduct and performance which apply to all optometrists, dispensing opticians, persons undertaking training as optometrists and dispensing opticians, and business registrants.
4. Since 2005, the GOC has conducted an annual review of the codes to ensure that they have remained fit for purpose and up-to-date. The GOC's approach has been to avoid making ad hoc amendments to the codes, and hence not to change the codes unless serious concerns were identified in the review process. Whilst areas for improvement have been identified as a result of these reviews, no concerns were raised requiring urgent action, and hence no changes have been made to the codes as a result of these annual reviews.
5. In 2008 it was decided to convene a small working group, working under the auspices of the GOC's Standards Committee, to consider all the feedback and advice received thus far in the GOC's annual reviews and consolidate these into some proposals for amending the codes. The working group also considered the way other health

regulatory bodies had developed their codes and guidance, and more broadly ways in which the codes could be improved.

6. In undertaking this work, the working group was mindful of the standards set by the Council for Healthcare Regulatory Excellence (CHRE) which sets out what is expected of all health regulatory bodies in relation to setting standards of conduct and performance, against which the GOC is evaluated by CHRE on an annual basis:

The regulator publishes standards of competence and conduct which are appropriate, comprehensive, prioritise patient interests and reflect up-to-date professional practice:

- *Standards prioritise patient safety and patient interests*
- *Core standards are formulated as general principles which apply widely to all situations and areas of practice*
- *The core standards are easy to understand for registrants and clearly outline registrants' personal responsibility for their practice*
- *The core standards include, as a minimum, the principles expressed in the Statement of Common Values*
- *Where appropriate, supplementary guidance is produced to help registrants apply the core standards about specialist or specific issues*
- *Standards form the basis of all regulatory functions*
- *The regulator regularly reviews its standards to ensure that they are up-to-date, and revises its standards and produces supplementary guidance as required.*

7. The working group was also mindful of the agenda of the Government's White Paper, *Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century*. The White Paper directs that there should be clearer connections between local systems for tackling concerns and national systems, with clearer direction being given as to when employers and commissioning organisations should refer cases to the regulators. The new Health and Social Care Act 2008 also places a duty on healthcare organisations to share information with other relevant organisations where there are concerns about the fitness to practise of a healthcare professional.

8. The working group has developed a set of proposals which were considered by the GOC's Standards Committee in September 2008 and the Council in November 2008. Under the Opticians Act 1989, the GOC is required to consult with groups which, in the Council's opinion, are representative of registrants or of persons with an interest in the subject matter of the guidance (Section 13A(3)). The purpose of this consultation is to seek the views of stakeholders on the GOC's proposed changes to the codes.

Proposals to amend the Code of Conduct for Individual Registrants

9. Outlined below are the GOC's proposals to amend the Code of Conduct for Individual Registrants and the reasons for making these proposals. A revised Code of Conduct, consolidating the proposals outlined, can be found at **Annex 1**.

1. Clarify the purpose of the code

10. It is proposed that the following words (highlighted in bold) are added to the introduction to the Code to clarify further what the code is for, who it applies to, and the consequences of registrants not complying with it.

*...This document describes principles of good practice in professional conduct and standards and sets out the framework of conduct ~~expected~~ **required** in all aspects of professional work. The principles are linked to the values which have been agreed by healthcare professionals to be common to each profession. **All registrants must act in accordance with the principles set out in this Code.** Failure to comply with the duties and responsibilities set out in the Code may put registration at risk...*

QUESTION 1

Do you agree that the proposed additional words above help clarify what the Code is for, who it applies to, and the consequences of registrants not complying with it?

2. Student and trainee registrants

11. Since 2005 all persons undertaking training as optometrists or dispensing opticians have been required to register with the GOC. When applying to register, all students and trainees sign a declaration stating that they have read and will adhere to the Code. However, the Code currently does not make explicit reference to students and trainees.

12. The GOC has discussed how to make it more explicit that the principles set out in the Code apply to students and trainees. Consideration was given to issuing a separate Code for students and trainees. The GOC has decided not to pursue this, as the principles which apply to trainees are the same as those which apply to optometrists and dispensing opticians. As such, it is proposed that the Code for Individual Registrants is amended to make it clear that all students and trainees must adhere to the principles set out in the Code. It is proposed that the term 'trainee' be used in the revised Code rather than 'student', to make it clear that the Code applies to both those on their university programme and those undertaking practical experience.

QUESTION 2

Do you agree that the Code should be amended to make explicit reference to persons undertaking training as optometrists and dispensing opticians?

3. Insurance

13. Section 10A of the Opticians Act requires that optometrists and dispensing opticians have adequate and appropriate insurance throughout their period of registration. The Registrar has the power to refuse registration if this is not the case.

14. In October 2007 amendments were made to the Opticians Act to implement European Union Directive 35/2005/EC on the mutual recognition of professional qualifications across the European Economic Area (EEA). The amendments created new registers for those coming from other EEA States wishing to provide services in the United Kingdom on a temporary and occasional basis. In transposing the Directive into UK legislation, the provisions in the Opticians Act 1989 requiring registrants to have adequate and appropriate insurance were not applied to those EEA applicants seeking temporary and occasional registration. This is because such a requirement was not a requirement of the Directive itself.

15. The GOC needs to ensure that having adequate and appropriate insurance is required for all registrants, including those providing services on a temporary and occasional basis. In order to do this, it is proposed that a clause is added to the Code which states that registrants must have adequate and appropriate insurance. All registrants, including those on the registers for temporary and occasional service providers, must adhere to the Code.

16. Given that the requirement will also apply to trainee optometrists and dispensing opticians, it is proposed that the Code makes it clear that training establishments or practice supervisors must ensure that their insurance arrangements provide adequate cover for all persons undertaking training or practical experience.

QUESTION 3

Do you agree that the Code should be amended to state that registrants must have adequate and appropriate insurance?

4. Providing information about fitness to practise concerns

17. All registrants are required, under the Code for Individual Registrants, to 'act quickly to protect patients from risk where there is good reason to believe that he or she, or a colleague, may not be fit to practise' (clause 14). In many cases, this will require the registrant to provide information to the GOC, and other organisations, about themselves or others where that might mean that they, or a colleague, are not fit to practise. However, the GOC is aware of a number of cases where patients have been put at risk and where matters have not been reported to either the GOC or other relevant authorities (including the police) or where registrants have been reluctant to co-operate with investigations into such matters.

18. The GOC has considered the codes of conduct of other health regulatory bodies. In many cases, these codes make it explicit that registrants must provide information to the regulator in such circumstances. Furthermore, the GOC has been mindful of the new duty which will require employers to provide information to relevant authorities if they believe an employee may not be fit to work with children and/vulnerable adults (the GOC will have a similar duty if it receives such information). Healthcare organisations

now have a duty under the Health and Social Care Act 2008 to share with other healthcare organisations information where there are concerns about the fitness to practise of a healthcare professional.

19. It is proposed that the Code is amended to make it clear that registrants are expected to report such information to the GOC and other organisations. This will include information about themselves, other individual registrant's (including trainees), other healthcare professionals, and business registrants. The Code should also make clear the kinds of information they must report. Therefore, it is proposed that the current clause 15 is amended as follows:

*act quickly to protect patients from risk where there is good reason to believe that he or she, or a colleague, may not be fit to practise, **fit to undertake training or, in the case of a business registrant, fit to carry on business as an optometrist, dispensing optician or both.***

20. Further, it is proposed that a footnote is added to clause 15 of the Code stating the following:

You must tell the GOC, and any other relevant organisation, if you have important information about yourself, other health professionals or organisations, which may mean that you, or they, lacks the skills, knowledge, character or health to practise safely and effectively, or be trusted to act legally. In particular, you must let GOC know straight away if you, or another health professional, have been:

- *Convicted of a criminal offence, convicted of a criminal offence resulting in a conditional discharge, or if a police caution has been accepted;*
- *Disciplined by any organisation responsible for regulating or licensing a health or social care professional;*
- *Barred from working with children and/or vulnerable adults;*
- *Suspended or placed under a practice restriction by an employer or similar organisation because of concerns about your or their fitness to practise.*

This list is not exhaustive.

You should co-operate with any investigation or formal inquiry about your, or another health professional's, fitness to practise, fitness to undertake training as an optometrist or dispensing optician, or the fitness of a business registrant to carry on business as an optometrist, dispensing optician, or both.

QUESTION 4

Do you agree that the Code should make it explicit that registrants must report information to the GOC, and other relevant organisations, about themselves or other health professionals or organisations, where this information may mean that they are not able to practise safely or effectively or be trusted to act legally?

QUESTION 5

Do you agree that the Code should make it explicit that registrants must co-operate with any investigation or formal inquiry about their, or others, fitness to

practise, fitness to undertake training as an optometrist or dispensing optician, or fitness to carry on business as an optometrist or dispensing optician?

5. Personal Conduct

21. It is not merely a registrant's conduct during their professional life which may affect public confidence in them and their profession, but also their personal conduct whilst not practising. Furthermore, inappropriate personal conduct may put a person's registration at risk, particularly if that results in a criminal conviction or a police caution. However, there is nothing in the Code which makes this clear. As such, it is proposed that a new clause be added to the Code with an explanatory footnote as follows:

Proposed new clause 20

ensure your conduct, whether or not connected to your professional practice, does not damage public confidence in you or your profession.

Footnote to clause 20

You should be aware that poor conduct outside of your professional life may still affect someone's confidence in you and your profession. In particular, the GOC would consider refusing an application for registration, or taking action against a registrant through its fitness to practise procedures, if you are convicted of a criminal offence or accept a police caution that involves one of the following types of behaviour:

- *Violence*
- *Abuse*
- *Sexual misconduct*
- *Supplying or using drugs*
- *Child pornography*
- *Offences involving dishonesty*
- *Criminal offences for which you have received a prison sentence*
- *Racially aggravated offences*

This is not an exhaustive list. The GOC will always look at any convictions or cautions we learn of, and have arrangements in place to be told about convictions and cautions involving registrants.

QUESTION 6

Do you agree that the Code should make it clear that registrants must ensure that their personal conduct, as well as their professional conduct, does not damage public confidence in them or their profession?

QUESTION 7

Do you agree that examples of criminal offences or police cautions, including serious physical, sexual and racial behaviour that may put a person's registration at risk should be referred to in the Code?

6. Promotional Activity

22. The Code of Conduct for Business Registrants includes a clause requiring business registrants to ensure that any advertising or publicity complies with appropriate advertising codes of practice. No such provision has been made in the Code of Conduct for Individual Registrants. However, individual registrants may have responsibility for promotional activity within their practice, and it should be incumbent on such individuals to ensure that such communications are accurate and not misleading, false, unfair or exaggerated. In other words, the responsibility for ensuring the accuracy of promotional activity lies not merely with the body corporate, but with appropriate individuals within the body corporate.¹ Therefore, it is proposed that the Code for Individual Registrants includes a new clause similar to that included in the Code for Business Registrants.

23. The GOC is proposing that the term 'promotional activity' is used to broaden the scope of its application from just advertising or publicity. This will ensure that the new duty covers communications such as letters, e-mails, texts messages etc. as well as advertising or publicity material for which there are specific codes of practice.

The following new clause is proposed:

New clause 8

ensure that all promotional activity, for which they are responsible, is accurate and honest and that advertising or publicity complies with appropriate advertising codes of practice.

QUESTION 8

Do you agree that the Code should include a clause requiring registrants to ensure that all promotional activity is accurate and honest and that advertising or publicity complies with appropriate advertising codes of practice?

7. Patient Consent

24. The GOC has considered the codes and guidance issued by the other health regulatory bodies and the National Health Service on the issue of informed consent. Currently, there is no explicit reference in the Code to the concept of informed consent, although existing clauses 5 and 7 clearly relate to this issue:

5. Give patients information in a way they can understand and make them aware of the options available;

¹ Of course, it may be the case that an individual has responsibility for promotional activity within a business or practice which is not itself registered with the GOC. This emphasises the importance for provision to be made in the Code of Conduct for Individual Registrants, as the only action that the GOC would be able to take in such circumstances where any communications were inaccurate or misleading would be against the individual registrant and not the body corporate.

7. *Respect the rights of patients to be fully involved in decisions about their care.*

The College of Optometrists has recently revised its guidance on the issue of consent, and the GOC believes the Code needs to alert registrants of the need for them to be aware of and comply with relevant guidance on this important, and sometimes complex, issue.

25. It is therefore proposed that clause 5 has the following words (highlighted in bold) added:

New clause 5

*Give patients information in a way they can understand and make them aware of the options available; **on the issue of patient consent, be aware of and comply with the guidance published by the professional bodies.***

QUESTION 9

Do you agree that the Code should highlight the guidance issued by the professional bodies on the issue of patient consent?

8. *Equality and Diversity*

26. As a public body, the GOC has a duty to ensure that any policy or procedure affecting its staff, council or committee members, registrants, or other stakeholders does not unlawfully discriminate on the grounds of race, gender, age, or disability. The GOC has considered the impact of the above proposals in relation to equality and diversity and has also looked for opportunities to further promote equality and diversity in its review of the Code. To this end, the GOC proposes that the following amendment is made to the introduction to the Code:

...To justify that trust, professionals have a duty to maintain a good standard of practice and care and to show respect for all ~~aspects of human life~~ people irrespective of their gender, race, age, disability, religion, belief, or sexual orientation.

27. A full Equality and Diversity Impact Assessment will be carried out prior to any amendments to the Code being agreed by Council

QUESTION 10

Do you agree that the Code should make it clear that registrants have a duty to show respect to all people irrespective of their gender, race, age, disability, religion, belief, or sexual orientation?

QUESTION 11

Do any of GOC's proposals to amend the Code, or any of the existing provisions in the Code, unfairly discriminate, directly or indirectly, against individuals because of their gender, race, age, disability, religion, belief, or sexual orientation?

QUESTION 12

Are there any other ways in which the Code could be amended to further promote equality and diversity?

9. Acting within one's professional competence

28. The Code currently requires registrants to recognise the limits of their professional competence. However, the Code does not make it a requirement that registrants act within the limits of their professional competence. Clearly it is important that registrants not merely recognise the limits of their competence, but act within them. As such, it is proposed that the following amendment is made to the current clause 9 of the Code:

*recognise, **and act within**, the limits of his or her professional competence*

QUESTION 13

Do you agree that the Code should make it clear that registrants are required to act within the limits of their competence?

DRAFT

Proposals to amend the Code of Conduct for Business Registrants

29. Outlined below are the GOC's proposals to amend the Code of Conduct for Business Registrants and the reasons for making these proposals. A revised Code of Conduct, consolidating the proposals outlined, can be found at **Annex 2**.

10. Clarify the purpose of the Code

30. As with the Code of Conduct for Individual Registrants, it is proposed that some additional words (highlighted in bold) are added to the introduction to the Code of Conduct for Business Registrants to clarify further what the code is for, who it applies to, how it should be used and the consequences of registrants not complying with it:

*This document describes principles of good practice in professional conduct and standards and sets out a framework of conduct expected of business registrants. **All business registrants must act in accordance with the principles set out in this Code. Failure to comply with the duties and responsibilities set out in the Code may put registration at risk...***

QUESTION 14

Do you agree that the proposed additional words help clarify what the Code is for, who it applies to, how it should be used, and the consequences of business registrants not complying with it?

11. Clinical Governance

31. The introduction to the Code emphasises the role of business registrants in maintaining and enhancing standards in clinical and corporate governance. The introduction also makes it clear that business registrants are expected to be aware of the guidance of other organisations, in particular the professional and representative bodies. It is particularly important for business registrants to be aware of and comply with any national or local standards and guidance relating to clinical governance. Indeed, meeting such standards will underpin the ability of individual registrants to practise safely and effectively, and will assist in the effective identification and reporting of concerns about health professionals where problems occur, and minimise the risks to patients. Hence it is proposed that the following words are added to the introduction:

*The GOC expects business registrants to be aware of relevant guidance and advice issued by other organisations and in particular that of professional and representative bodies **and relevant local and national standard on clinical governance.***

QUESTION 15

Do you agree that the proposed additional words emphasise the importance for business registrants to be aware of relevant clinical governance standards?

12. Providing information about fitness to practise concerns

32. The duty to provide information to the GOC (and other relevant organisations) relating to the fitness to practise of the GOC registrants or other health professionals

and co-operating with any investigation or formal inquiry about such matters should apply in equal measure to business registrants and individual registrants. However, this is not made clear in the Code of Conduct for Business Registrants. Therefore, it is proposed that clause 9 is amended as follows:

Protect patients if it has reason to believe that an individual registrant or other health professional, may not be fit to practise, fit to undertake training, or if a business registrant, fit to carry on business as an optometrist, dispensing optician, or both.

33. Furthermore, it is proposed that a new explanatory footnote is added to the Code as follows:

Business registrants must tell the GOC (and any other relevant organisation) if they have important information about themselves, individual registrants, other health professionals, or other business registrants which may mean that they lack the skills, knowledge, character or health to practise safely and effectively, or be trusted to act legally. In particular, they must let the GOC know straight away when someone has been:

- *convicted of a criminal offence, convicted of a criminal offence resulting in a conditional discharge, or if they accepted a police caution;*
- *disciplined by any organisation responsible for regulating or licensing a health or social care profession;*
- *barred from working with children and/or vulnerable adults by a relevant authority;*
- *suspended or placed under a practice restriction by you or another organisation because of concerns about their fitness to practise.*

This list is not exhaustive.

You should co-operate with any investigation or formal inquiry about an individual registrant's, or another health professional's, fitness to practise, fitness to undertake training as an optometrist or dispensing optician, or the fitness of a business registrant to carry on business as an optometrist, dispensing optician, or both.

QUESTION 16

Do you agree that the Code should make it explicit that business registrant's must report information to the GOC, and other relevant organisations, about themselves or other health professionals or organisations, which may mean that they are not able to practise safely or effectively or be trusted to act legally?

QUESTION 17

Do you agree that the Code should make it explicit that business registrants must co-operate with any investigation or formal inquiry about their, or others', fitness to practise, fitness to undertake training as an optometrist or dispensing optician, or fitness to carry on business as an optometrist or dispensing optician?

13. Financial and Commercial Dealings

34. The Code of Conduct for Individual Registrants requires that individual registrants *ensure that financial and commercial dealings do not compromise the interests of the patient* (clause 11). However, there is no equivalent clause in the Code of Conduct for Business Registrants despite this being particularly pertinent to business registrants. Therefore, it is proposed that a new clause 11 is added to the Code mirroring the clause in the Code of Conduct for Individual Registrants.

QUESTION 18

Do you agree that the Code should be amended to include a clause on financial and commercial dealings to mirror the Code of Conduct for Individual Registrants?

14. Promotional Activity

35. In line with the proposal for the Code of Conduct for Individual Registrants, it is proposed that clause 7 of the Code of Conduct for Business Registrants is amended such that the term 'promotional activity' is used to broaden the scope of its application from just advertising or publicity. This will ensure that the new duty covers communications such as letters, e-mails, text messages etc. as well as advertising or publicity material for which there are specific codes of practice. Therefore, the revised clause will read:

*Ensure that all promotional **activity is accurate and honest and that** advertising or publicity complies with appropriate advertising codes of practice.*

QUESTION 19

Do you agree that the Code should include a clause requiring registrants to ensure that all promotional activity is accurate and honest in addition to requiring that advertising or publicity complies with appropriate advertising codes of practice?

ANNEX 1 - CODE OF CONDUCT FOR INDIVIDUAL REGISTRANTS (PROPOSED AMENDMENTS IN BOLD)

INTRODUCTION

Patients (including customers) must be able to trust optometrists, ~~and~~ dispensing opticians, **and those undertaking training as optometrists and dispensing opticians**, with their well being. To justify that trust, professionals have a duty to maintain a good standard of practice and care and to show respect for all ~~aspects of human life~~ **people irrespective of their gender, race, age, disability, religion, belief, or sexual orientation.**

In all matters, a practitioner **or trainee** must never discriminate unfairly against patients or colleagues and must always be prepared to justify his or her actions.¹

This document describes principles of good practice in professional conduct and standards and sets out the framework of conduct ~~expected~~ **required** in all aspects of professional work. The principles are linked to the values which have been agreed by healthcare professionals to be common to each profession. **All registrants must act in accordance with the principles set out in this Code.** Failure to comply with the duties and responsibilities set out in the Code may put registration at risk.

The GOC recognises that other bodies have issued detailed guidance with regard to the matters covered in this Code. Practitioners **or trainees** are expected therefore to be familiar with the relevant guidance and advice issued by other organisations and, in particular, that of the professional and representative bodies. Reference may be made by the GOC to the guidance and advice of other bodies in the exercise of its functions. In addition, the GOC may from time to time supplement the Code with guidance on specific matters.

THE CODE

A registered optometrist, or dispensing optician, **trainee optometrist or trainee dispensing optician** must:

1. make the care of the patient his or her first and continuing concern;
2. treat every patient politely and considerately;
3. respect patients' dignity and privacy;
4. listen to patients and respect their views;
5. give patients information in a way they can understand and make them aware of the options available; **on the issue of patient consent, be aware of and comply with the guidance published by the professional bodies;**
6. maintain adequate patients' records;
7. respect the rights of patients to be fully involved in decisions about their care;
8. **ensure that all promotional activity, for which they are responsible, is accurate and honest and that advertising or publicity complies with appropriate advertising codes of practice;**
9. keep professional knowledge and skills up to date;
10. recognise, **and act within**, the limits of his or her professional competence;
11. be honest and trustworthy;
12. ensure that financial and commercial dealings do not compromise the interests of the patient;
13. respect and protect confidential information;
14. make sure that personal beliefs do not prejudice patient care;
15. act quickly to protect patients from risk where there is good reason to believe that he or she, or a colleague, may not be fit to practise, **fit to undertake training, or in the case of a business registrant fit to carry on business as an optometrist, dispensing optician or both;**²
16. avoid abusing his or her **professional** position ~~as an optometrist or a dispensing optician;~~
17. work with colleagues in the ways that best serve patients' interests;
18. register with and maintain registration with the GOC.
19. **be covered by adequate and appropriate insurance for practice in the United Kingdom throughout the period of their registration;**³
20. **ensure your conduct, whether or not connected to your professional practice, does not damage public confidence in you or your profession.**⁴

FOOTNOTES

1. The term 'trainee' is used in this Code to refer to those undertaking training as optometrists or dispensing opticians. This includes those undertaking a programme of study at an approved training establishment and those undertaking practical experience prior to qualifying as an optometrist or dispensing optician.

2. You must tell the GOC, and any other relevant organisation, if you have important information about yourself, other health professionals or organisations, which may mean that you, or they, lack the skills, knowledge, character or health to practise safely and effectively, or be trusted to act legally. In particular, you must let the GOC know straight away if you, or another health professional, have been:

- Convicted of a criminal offence, convicted of a criminal offence resulting in a conditional discharge, or if a police caution has been accepted;
- Disciplined by any organisation responsible for regulating or licensing a health or social care professional;
- Barred from working with children and/or vulnerable adults;
- Suspended or placed under a practice restriction by an employer or similar organisation because of concerns about your or their fitness to practise.

This list is not exhaustive.

You should co-operate with any investigation or formal inquiry about your, or another health professional's, fitness to practise, fitness to undertake training as an optometrist or dispensing optician, or the fitness of a business registrant to carry on business as an optometrist, dispensing optician, or both.

3. Training establishments or practice supervisors must ensure that their insurance arrangements provide adequate and appropriate cover for all persons undertaking training or practical experience for whom they are responsible. It is the responsibility of the trainee to ensure that such insurance has been provided by their training establishment or practice supervisor.

4. You should be aware that poor conduct outside of your professional life may still affect someone's confidence in you and your profession. In particular, the GOC would consider refusing an application for registration, or taking action against a registrant through its fitness to practise procedures, if you are convicted of a criminal offence or accept a police caution that involves one of the following types of behaviour:

- Violence
- Abuse
- Sexual misconduct
- Supplying or using drugs
- Child pornography
- Offences involving dishonesty
- Criminal offences for which you have received a prison sentence
- Racially aggravated offences

This is not an exhaustive list. the GOC will always look at any convictions or cautions we learn of, and have arrangements in place to be told about convictions and cautions involving registrants.

DRAFT

ANNEX 2 - CODE OF CONDUCT FOR BUSINESS REGISTRANTS (PROPOSED AMENDMENTS IN BOLD)

INTRODUCTION

This document describes principles of good practice in professional conduct and standards and sets out a framework of conduct expected of business registrants. **All business registrants must act in accordance with the principles set out in this Code. Failure to comply with the duties and responsibilities set out in the Code may put registration at risk.**

The Code supports and should be read in conjunction with the Code of Conduct for Individual Registrants and such other guidance as is issued by the GOC from time to time.

The Code is not exhaustive. The GOC expects business registrants to be aware of relevant guidance and advice issued by other organisations and in particular that of professional and representative bodies **and relevant local and national standards on clinical governance.**

The duties and responsibilities of Optometrists and Dispensing Opticians registered with the GOC are set out in the GOC's Code of Conduct for Individual Registrants.

Optometrists and Dispensing Opticians, regardless of whether they are employed or self-employed, are individually responsible for acting at all times in the best interests of their patients and for delivering clinical practice which complies with the GOC's competencies for their profession.

In support of, but in no way lessening this individual responsibility, business registrants employing or otherwise engaging Optometrists, Dispensing Opticians and other clinical professionals in the delivery of optical services play an essential part in maintaining standards and protecting the public.

In particular, business registrants fulfil a key role in supplying the infrastructure which supports clinical practice; providing essential support to recruitment and professional training, including the provision and delivery of continuing education and training; maintaining and enhancing standards in clinical and corporate governance; and in creating an appropriate working environment in which practitioners enjoy clinical freedom.

THE CODE

Business registrants play an integral part in the provision of optical services and products to the public. Patients, consumers and professionals must be able to trust business registrants to maintain and support a good standard of clinical practice and care.

To justify that trust, a business registrant will take reasonable and proportionate steps to

1. ensure that each person who undertakes activities regulated by the Opticians Act does so in accordance with the Act;
2. require as a condition of employment or engagement that those individual registrants currently employed or otherwise engaged to provide optical services comply with the GOC's Code of Conduct for Individual Registrants;
3. not knowingly act in a way which might contribute to or cause a breach of the Code of Conduct for Individual Registrants by any individual registrant employed or otherwise engaged by it to provide optical services;
4. ensure that individual registrants are always able freely to exercise their professional judgement in the best interests of patients;
5. provide a system for the proper maintenance of patient records;
6. respect and protect confidential information for both patients and employees in accordance with current legislation;
7. ensure that **all promotional activity is accurate and honest and that advertising or publicity complies with appropriate advertising codes of practice;**
8. provide mechanisms to enable those that work for or are otherwise engaged by the business registrant to raise concerns about risks to patients;
9. protect patients if it has reason to believe that an individual registrant **or other health professional**, may not be fit to practise, **fit to undertake training, or if a business registrant fit to carry on business as an optometrist, dispensing optician, or both;**¹
10. ensure that the criteria enshrined in this code are applied as may be appropriate to registered medical practitioners in relation to the GMC and any other relevant codes and guidance;
11. **ensure that financial and commercial dealings do not compromise the interests of the patient**

FOOTNOTE

1. Business registrants must tell the GOC (and any other relevant organisation) if they have important information about themselves, individual registrants, other health professionals, or other business registrants which may mean that they lack the skills, knowledge, character or health to practise safely and effectively, or be trusted to act legally. In particular, they must let the GOC know straight away when someone has been:

- **convicted of a criminal offence, convicted of a criminal offence resulting in a conditional discharge, or if they accepted a police caution;**
- **disciplined by any organisation responsible for regulating or licensing a health or social care profession;**
- **barred from working with children and/or vulnerable adults by a relevant authority;**
- **suspended or placed under a practice restriction by you or another organisation because of concerns about their fitness to practise.**

This list is not exhaustive.

You should co-operate with any investigation or formal inquiry about an individual registrant's, or another health professional's, fitness to practise, fitness to undertake training as an optometrist or dispensing optician, or the fitness of a business registrant to carry on business as an optometrist, dispensing optician, or both.