

Factsheet - New Fitness to Practise Rules

Why are the Fitness to Practise Rules changing?

The main reason we are changing our Fitness to Practise Rules is to make the process more efficient.

A faster process is in the interests of both patients and registrants. Swifter action against those who are not fit to practise will help us better protect the public, and registrants will benefit from complaints against them being dealt with more quickly.

We also need to review our processes periodically to ensure they remain up to date and reflect recent legal trends and developments.

What are the main changes?

The biggest change is the introduction of case examiners. Whereas previously all cases were considered by our Investigation Committee, cases will now be decided by pairs of case examiners (one lay and one registrant).

We expect this change to cut around three to four months from the length of a typical investigation.

Cases will still go to the Investigation Committee in instances where the two case examiners do not agree, or to direct an assessment of a registrant's health or performance.

Other changes include:

- allowing the Registrar to refer cases involving a serious criminal conviction directly for a fitness to practise hearing;
- allowing the Registrar to refer cases directly to an interim order hearing;
- introducing standard procedural directions for all cases; and
- introducing a requirement for us to notify a registrant's employer of the outcome of an investigation or hearing. Currently we are only required to notify a registrant's employer when an allegation has been received.

When will these changes come into effect?

The new Fitness to Practise Rules came into effect on 1 April 2014.

How much faster will these changes make the fitness to practise process?

We expect the introduction of case examiners alone to cut three to four months from the typical length of an investigation, as case examiners will be able to consider cases as soon as they are ready.

The ability for the Registrar to refer matters direct to the Fitness to Practise Committee for consideration of an interim order will allow us to act quickly to ensure the public is protected pending any substantive hearing.

Also, the introduction of standard procedural directions will assist in streamlining the process whilst ensuring that timelines are adhered to.

Additional measures we are taking outside of the new Rules to further speed up the process include scheduling more frequent hearings to increase the throughput of cases.

Will registrants be treated any differently under the new Rules?

No. Registrants will have the same access to information about allegations made against them as under the old Rules, and will also have the opportunity to respond to allegations.

Where a case is referred to a fitness to practise committee or interim order hearing, the hearing will still be before a panel of registrant and lay members who are independent of the GOC and who will have access to expert and legal advice.

Where two case examiners cannot agree on a case the matter will go to the Investigation Committee, whose members are also independent of the GOC.

Who are the case examiners?

We have recruited case examiners to determine whether a case should be referred to a fitness to practise hearing.

One lay and one registrant case examiner will consider each case. There are currently ten registrant case examiners and five lay case examiners.

A list of case examiners can be found on our website.

When can I find more information?

To read more about the changes, please visit our website:
http://www.optical.org/en/Investigating_complaints/new-ftp-rules.cfm

Alternatively, if you have any questions you can email us at communications@optical.org and we will endeavour to answer your query as quickly as possible.