

# THE GENERAL OPTICAL COUNCIL (CONTINUING EDUCATION AND TRAINING) RULES 2005

The General Optical Council, in exercise of their powers under sections 11A, 11B(6) and 31A of the Opticians Act 1989 and of all other powers enabling them in that behalf, hereby make the following Rules:

## PART 1

### CITATION, COMMENCEMENT AND INTERPRETATION

#### 1. Citation and commencement

These Rules may be cited as the General Optical Council (Continuing Education and Training) Rules 2005 and shall come into force on 1st July 2005.

#### 2. Interpretation

(1) In these Rules -

“administrator” means

(a) any person who is for the time being appointed under rule 3(a) or

(b) in a case falling within rule 3(b), the Council;

“approved event” means a continuing education and training event which is approved under rule 10;

“CET point” means a general CET point or a specialist CET point;

“CET requirement” means any requirement which a registrant is required to satisfy under Part 4;

“contact lens specialty” means the specialty described in columns 2 and 3 of row A of the Table in rule 10 of the General Optical Council (Registration) Rules 2005;

“the Council” means the General Optical Council;

“continuing education and training event” means a learning event, lecture, seminar, curriculum or other programme or method of study (whether requiring attendance or not) that is relevant to the needs and professional standards of optometrists or dispensing opticians;

“dispensing optician competencies” means competencies established by the Council under section 12(1) (education and training) as being those which a person needs to be able to demonstrate in order to be granted a qualification as a dispensing optician;

“general CET point” means a CET point specified as such under rule 10(2);

“interactive event” has the meaning given in rule 10(4);

“listed provider” means a person whose application under rule 5 for his name to be added to the list of event providers is granted under rule 9;

“month” means a calendar month;

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“optometrist competencies” means competencies established by the Council under section 12(1) (education and training) as being those which a person needs to be able to demonstrate in order to be granted a qualification as an optometrist;

“peer review event” has the meaning given in rule 10(5);

“reference number”, in relation to an approved event, means a number allocated to that event under rule 10(1)(b);

“registrant” means a registered optometrist or registered dispensing optician;

“registrar” means the registrar of the Council referred to in section 1(3) (constitution and functions of the Council);

“Registration Rules” means the General Optical Council (Registration) Rules 2005;

“relevant period” means each period of three years, commencing with 1st January 2013;

“shortfall in CET requirements” has the meaning given in rule 17A;

“specialty” means a specialty or level of proficiency particulars of which may, by virtue of rule 10 of the Registration Rules, be entered in a register against a registrant’s name;

“speciality competencies” means competencies established by the Council under section 12(1) (education and training) as applied by section 12(11) as being those which a person needs to be able to demonstrate in order that particulars of a speciality may be entered against the person’s name in the appropriate register.

“specialist CET point” means a CET point specified as such under rule 10(3);

“year” means a calendar year.

- (2) In these Rules, references to the type of CET point specified or obtained in relation to an approved event are references to whether the CET points specified or obtained for that event are general CET points or specialist CET points.
- (3) In these Rules any reference to a numbered section is a reference to the section of the Opticians Act 1989 which bears that number.

### **PART 2**

#### **CONTINUING EDUCATION AND TRAINING SCHEME**

##### **3. The scheme and the scheme administrators**

The scheme for continuing education and training referred to in section 11A (requirement for continuing education and training) shall be administered by -

- (a) one or more persons who are appointed by the Council to carry out some or all of the functions of administering the scheme; or
- (b) to the extent that no appointment is in force in respect of any one or more such functions, the Council.

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**4. Appointment of persons as administrators**

- (1) Any appointment of a person under rule 3(a) shall be made on such terms (including terms as to the duration and termination of his appointment) as the Council consider appropriate.
- (2) In addition to terminating the appointment of such a person in the circumstances specified in his terms of appointment, the Council may by notice terminate the appointment before it would otherwise expire if they are at any time satisfied that such a person is unable or unfit to carry out his functions.

**PART 3**

**LISTING OF PROVIDERS AND APPROVAL OF EVENTS**

**5. Application to become a listed provider**

- (1) Any person who wishes to provide a continuing education and training event to optometrists or dispensing opticians shall apply to the administrator for his name to be entered on the list of event providers for a period of twelve months.
- (2) An application shall be made in such form (including electronic) as is specified by the Council.

**6. Fee payable for application to be a listed provider**

A fee of £45 shall be payable in respect of each application to become a listed provider.

**7. Application by a listed provider for approval of an event**

- (1) Any listed provider who wishes to provide a continuing education and training event in the United Kingdom or elsewhere shall apply to the administrator for the event to be approved.
- (2) An application shall be made in such form (including electronic) as is specified by the Council.

**8. Application by a person undertaking an event outside the United Kingdom for approval of the event**

- (1) Any person who wishes to undertake a continuing education and training event provided outside the United Kingdom by a person other than a listed provider shall apply to the administrator for the event to be approved.
- (2) An application shall be made in such form (including electronic) as is specified by the Council.

**9. Grant or refusal of application to become a listed provider**

- (1) Where an application under rule 5 has been submitted to the administrator, together with the appropriate fee specified in rule 6, the administrator shall grant or refuse the application and, if he grants it, he shall enter the applicant's name to the list of event

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providers.

- (2) The administrator shall notify the applicant of his decision in respect of the application.
- (3) A person's entry on the list of event providers shall expire at the end of the period of twelve months beginning with the date on which the entry is made.

### **10. Grant or refusal of application for approval of an event**

- (1) Where an application under rule 7 or 8 for approval of an event has been submitted to the administrator, the administrator must grant or refuse the application and, where it is granted, the administrator must -
  - (a) specify -
    - (i) the number of CET points that a registrant who undertakes the approved event will obtain,
    - (ii) whether those points are to be general CET points under paragraph (2) or specialist CET points under paragraph (3);
    - (iii) each of those competencies established by the Council under section 12(1) to which the approved event relates,
    - (iv) whether it is an interactive event under paragraph (4),
    - (v) whether it is a peer review event under paragraph (5), and
  - (b) allocate a reference number to the approved event.
- (2) Where the administrator considers that an approved event is relevant to optometrist competencies or dispensing opticians competencies the type of points to be obtained by undertaking that event shall be specified as general CET points.
- (3) Where the administrator considers that an approved event is relevant to speciality competencies they type of points to be obtained by undertaking that event shall be specified as specialist CET points.
- (4) Where the administrator considers that an approved event is one which –
  - (a) requires physical attendance;
  - (b) is part of a supervised course of education and training; or
  - (c) is to be conducted by way of instantaneous electronic communication with one or more persons qualified as an optometrist or dispensing optician;the administrator must specify that is an interactive event.
- (5) Where the administrator considers that an approved event is one which is to be conducted by way of discussion between the person undertaking the event and one or more persons qualified as an optometrist or dispensing optician, the administrator must specify that is a peer review event.

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- (6) The administrator must notify the applicant of the decision in respect of the application and where it is granted the notice is to specify-
  - (a) the details of such of the matters referred to in paragraph (1)(a) as are relevant to the approved event in question; and
  - (b) the reference number for that event allocated under paragraph (1)(b).

### **11. Information to be provided by listed provider**

- (1) The person who is the listed provider of an approved event shall –
  - (a) provide to the administrator the names of persons who have undertaken the event and, if they have one, their registration number as optometrists or dispensing opticians;
  - (b) provide to a person who has undertaken the event a statement of -
    - (i) the listed provider's name,
    - (ii) the matters specified by the administrator under rule 10(1)(a) for the event, and
    - (iii) the reference number of the approved event allocated under rule 10(1)(b).
- (2) The information required under paragraph (1) shall be supplied in such form (including electronic) as is specified by the Council.

## **PART 4**

### **CET REQUIREMENTS**

#### **12. Requirement to obtain general CET points**

- (1) A registrant shall obtain the number of general CET points determined under paragraph (3).
- (3) Subject to paragraph (4) in respect of each relevant period, the required number of general CET points is the number equivalent to the number of whole months in the relevant period during which he is registered.
- (4) Where a registrant is restored to the appropriate register following an application to which rule 25 applies, for the purposes of paragraph (3) the months prior to the date of restoration are to be disregarded.
- (5) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (3) must comply with the CET requirements under rules 13A, 13B, and 13C.

#### **13. Requirement to obtain specialist CET points**

- (1) A registrant against whose name in the appropriate register particulars of one or more specialties are entered must obtain the number of specialist CET points determined under paragraph (2) and (3).

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- (2) In respect of each relevant period, the required number of specialist CET points is the number equivalent to half of the number of whole months during the relevant period for which the registrant has particulars of one or more entries entered against the registrant's name in the appropriate register.
- (3) For the purposes of paragraph (2)-
  - (a) where a registrant has more than one entry relating to a speciality throughout the relevant period, the date of the first entry of the first particular of a speciality is the date that is to be used for calculating the number of points;
  - (b) if the required number of specialist CET points determined in accordance with paragraph (2) would include any fraction of a whole number, the required number of points are to be rounded down to the nearest whole number; and
  - (c) where the particulars of one or more specialities against a registrant's name in the appropriate register are restored following an application to which rule 26 applies, the months prior to the date of the restoration are to be disregarded if at the time of restoration there were no particulars of a speciality against the registrant's name entered in the appropriate register.
- (4) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (2) must comply with the CET requirements under rules 13A, 13B and 13C.

### **13A. Requirement to undertake approved events relating to each competency**

- (1) The approved events undertaken for the purposes of obtaining the CET points within the period specified under each of rules 12, 13, 25 and 26 must relate to-
  - (a) in the case of a registered optometrist, or a person seeking restoration as a registered optometrist, each of the optometrist competencies;
  - (b) in the case of a registered dispensing optician, or a person seeking restoration as a registered dispensing optician, each of the dispensing optician competencies; and
  - (c) in the case of a registrant against whose name particulars of a specialty are entered in the appropriate register, or a person seeking restoration of such an entry, each of the specialty competencies that relate to that speciality.
- (2) Paragraph (1) is not to apply where in the last 12 months of the relevant period-
  - (a) the first entry was made of the registrant name in the register; or
  - (b) in relation to a speciality, the particulars of that specialty were first entered against the registrant's name in the appropriate register.
- (3) For the purposes of this rule-

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- (a) the competencies are those established by the Council under section 12(1) as they applied on the first day of the relevant period; and
  - (b) an approved event relates to a competency if the administrator has specified it as such under rule 10(1)(a)(iii).
- (4) In the application of this rule to rules 25 and 26 “registrant” shall be construed as a person seeking restoration.

### **13B. Requirement to undertake interactive events**

- (1) The approved events undertaken for the purposes of obtaining more than half of the CET points required within the period specified under each of rules 12, 13, 25 and 26 must be interactive events.

### **13C. Requirement to undertake peer review events**

- (1) This rule applies to-
- (a) a registered optometrist or person seeking restoration as a registered optometrist; and
  - (b) a registrant against whose name particulars of a specialty are entered in the appropriate register or a person seeking restoration of an entry for such a specialty.
- (2) Subject to paragraph (3), the approved events undertaken for the purposes of obtaining the CET points required within the specified period under rules 12, 13, 25 and 26 by a registrant to which this rule applies must include one peer review event.
- (3) Paragraph (2) is not to apply where in the last 12 months of the relevant period-
- (a) the first entry was made of the registrant’s name in the appropriate register; or
  - (b) in relation to a speciality, particulars of that speciality were first entered against the registrant’s name in the appropriate register
- (4) Where this rule applies to a registrant against whose name in the register particulars of one or more specialties are entered, the discussions undertaken for the purposes of the peer review event must relate to one of those specialties.
- (5) In the application of this rule to rules 25 and 26 references to “registrant” shall be construed as a person seeking restoration.

14. ...

### **15. Calculation of CET points**

- (1) This rule applies to calculations made for the purposes of rule 12, 13, 20A, 24, 25 and 26 in order to determine the total number of CET points obtained by a registrant.
- (2) General CET points obtained by a registrant may be taken into account in calculating the number of the registrant’s specialist CET points.
- (3) Subject to paragraph (4), specialist CET points obtained by a

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registrant are not to be taken into account in calculating the number of the registrant's general CET points.

- (4) Any contact lens specialist CET points up to but not exceeding 18 obtained within the specified period under rules 13 and 26 may also be counted as general CET points under rules 12 and 25 respectively (and accordingly each specialist CET point may be counted twice).
- (5) CET points which a person obtains in the course of a relevant period in order to make up any shortfall in CET requirements in respect of the previous relevant period are not to be taken into account for the purposes of rules 12 and 13.
- (6) CET points which a person obtains in order to make up any shortfall in CET requirements in respect of the previous relevant period may be taken into account for the purposes of paragraph (2) of rules 25 and 26 (and accordingly may be counted twice).

### **17. Obtaining of CET points**

A registrant who has undertaken an approved event shall obtain the number and type of CET points specified under rule 10(1)(a) for the event.

### **17A. Shortfall in CET requirements**

A shortfall in CET requirements will occur if, in any relevant period-

- (a) a registrant has failed to obtain the required CET points required by rules 12 and 13 for that period; or
- (b) a registrant has obtained the required CET points for that period but the approved events undertaken for the purposes of obtaining those points have failed to satisfy the requirements under rules 13A, 13B and 13C which in accordance with those rules the events were required to satisfy.

## **PART 5 RECORDS**

### **18. Requirement to keep records: listed providers**

- (1) Listed providers shall keep records of the information provided by them under rule 11(1).
- (2) The records shall be stored in such form (including electronic) as is specified by the Council.
- (3) The records shall be retained for at least two complete relevant periods after the end of the period to which the records relate.

### **19. Requirement to keep records: the administrator**

- (1) The administrator shall keep records in relation to each approved event of -
  - (a) the title of the event, its reference number and the listed provider (if any) providing the event;
  - (b) the matters specified by the administrator under rule



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10(1)(a) for the event; and

- (c) the information provided to him under rule 11(1)(a) by the listed provider.
- (2) The records shall be stored in such form (including electronic) as is specified by the Council.
- (3) The records shall be retained for at least two complete relevant periods after the end of the period to which the records relate.
- (4) Where the appointment of the administrator comes to an end, that person shall, within 28 days of being notified by the Council of the termination of appointment, pass the information stored in the records to the Council.

**20. Requirement to keep records: registrants**

- (1) The registrant shall keep records of each approved event that he has undertaken.
- (2) In relation to each approved event provided by a listed provider, the records must contain the information provided to the registrant under rule 11(1)(b).
- (3) In relation to each approved event provided outside the United Kingdom by a person other than a listed provider, the records must contain -
  - (a) the name of the person who provided the event;
  - (b) a statement of the number and type of CET points which he has obtained;
  - (c) each of those competencies established by the Council under section 12(1) to which the approved event related;
  - (d) whether it was an interactive event;
  - (e) whether it was a peer review event; and
  - (f) the reference number of the event allocated under rule 10(1)(b)
- (4) The records shall be retained for at least two complete relevant periods after the end of the period to which the records relate.

**PART 6**

**NOTIFICATION AND DISPUTES**

**20A. Notice of possible shortfall**

- (1) This rule applies where, two months prior to the end of any relevant period, it appears to the administrator that a registrant will have a shortfall in CET requirements if no further approved events are attended by the registrant before the end of that relevant period (“a possible shortfall”).
- (2) The administrator must immediately serve a notice on the registrant stating-
  - (a) the possible shortfall;
  - (b) the procedure for disputes under rule 22;
  - (c) that unless the registrant undertakes approved events to meet the CET requirements equivalent to the possible

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shortfall by the end of the relevant period, the registrar may remove from or refuse to retain in the appropriate register-

- (i) the name of the registrant, or
  - (ii) in any case where the possible shortfall relates to a speciality, particulars of that speciality which are entered against the registrant's name in the appropriate register;
  - (b) that if there is any such removal, the registrant's name or the particulars of the speciality (or specialities) as the case may be, may only be restored if the shortfall in CET requirements has been satisfied.
- (3) The notice under paragraph (2) may be served electronically where-
- (a) the registrant has consented in writing to receipt of notices by electronic communication for the purposes of this rule; and
  - (b) the notice has been sent to the address specified by the registrant when giving that consent.

### **21. Notification of compliance with CET requirements**

- (1) Before the end of the relevant period, a registrant who is subject to the requirements of these Rules must provide the administrator with the information required to be recorded in relation to that period under rule 20.
- (2) The information must be provided in such form (including electronic) as is specified by the Council.

### **22. Disputes as to compliance with CET requirements**

- (1) This rule applies where the information provided by a registrant under rule 21 in relation to the immediately preceding relevant period is not in accordance with the information recorded by the administrator under rule 19 in relation to that period.
- (2) As soon as reasonably practicable following the end of the relevant period to which the discrepancy relates, the administrator shall send a request to the registrant asking him to produce to the registrar for each approved event in relation to which there is a discrepancy -
  - (a) if the event was provided by a listed provider, a copy of the statement provided to the registrant under rule 11(1)(b);
  - (b) if the event was provided outside the United Kingdom by a person other than a listed provider, a copy of the records kept by him under rule 20(3), together with evidence to show he attended the event.
- (3) Where the registrant has received a request for information under paragraph (2), he shall produce to the registrar within 21 days copies of the documents requested.
- (4) Where the administrator sends a request for information under paragraph (2) to the registrant, he shall also send to the registrar -

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- (a) a copy of the request for information; and
  - (b) a copy of the relevant extract from his records kept in accordance with rule 19.
- (5) The number and type of CET requirements the registrant has obtained shall be determined by the registrar within the period of 14 days beginning with the due date for receipt of information under paragraph (3).
- (6) In making a determination under paragraph (5) the registrar shall take into account the information provided by the registrant under paragraph (3) and that provided by the administrator under paragraph (4).
- (7) The registrar shall immediately notify the registrant and the administrator of his determination.
- (8) ...

**PART 7**

**FAILURE TO COMPLY WITH CET REQUIREMENTS**

**24. Removal of registration or an entry relating to a speciality**

- (1) Subject to paragraph (2), where in any relevant period a registrant has a shortfall in CET requirements the registrar may on or after 1<sup>st</sup> January in the year immediately after that relevant period remove from or refuse to retain in the register-
- (a) the name of the registrant; or
  - (b) in any case where the possible shortfall relates to a speciality, particulars of that speciality which are entered against the registrant's name in the appropriate register.
- (2) Where rule 22 applies (disputes as to compliance with the CET requirements), paragraph (1) is not to apply until the registrar has made a determination under rule 22(6) and has notified the registrant under rule 22(7) of that determination.

**PART 8**

**RESTORATION OF REGISTRATION OR ENTRY RELATING TO A SPECIALTY**

**25. Restoration of registration**

- (1) This rule applies where the registrar has received an application for a person's name to be restored to the register under -
- (a) rule 3(1)(b) of the Registration Rules (restoration following removal by the registrar); or
  - (b) section 13K(1) (restoration following erasure of a name on a direction of the Fitness to Practise Committee).
- (2) In the case of an application to which paragraph (1) applies, an applicant must have obtained—
- (a) 12 general CET points in the 12 months prior to the month in which the application is received; or
  - (b) if the first entry of the applicant's name in the register of optometrists or in the register of dispensing opticians was

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made in the 12 months preceding the month in which the application is received, a number of general CET points equivalent to the number of whole months between (and not including) the month in which that first entry was made and the month in which the application is received.

- (3) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (2) must comply with the CET requirements under rules 13A, 13B, and 13C.

### **26. Restoration of an entry relating to a specialty**

- (1) This rule applies where the registrar has received an application for a person's entry relating to a specialty to be restored to the register under -
  - (a) rule 4(1)(b) of the Registration Rules (restoration following removal by the registrar); or
  - (b) section 13K(1) (restoration following removal of an entry on a direction of the Fitness to Practise Committee).
- (2) Subject to paragraph (2A) In the case of an application to which paragraph (1) applies, an applicant must have obtained—
  - (a) 6 specialist CET points in the 12 months prior to the month in which the application is received; or
  - (b) if the first entry relating to the specialty against the applicant's name in the register of optometrists or in the register of dispensing opticians was made in the 12 months preceding the month in which the application is received, a number of specialist CET points equivalent to half the number of whole months between (and not including) the month in which that first entry was made and the month in which the application is received.
- (2A) Where a person makes an application for restoration of an entry relating to more than one specialty-
  - (a) paragraph (2) shall apply as if the application was for the restoration of just one specialty; and
  - (b) for the purposes of subparagraph (b) of paragraph (2) the date of the first entry shall be the earliest date upon which an entry for a specialty was made in the 12 month period preceding the month in which the application was received.
- (3) If the number of specialist CET points which must have been obtained, as determined in accordance with paragraph (2), would include any fraction of a whole number, the number of specialist CET points which must have been obtained shall be the nearest whole number below the number so determined.
- (4) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (2) must comply with the CET requirements under rules 13A, 13B and 13C.