Consultation: guidance for the Investigation Committee, case examiners and the Fitness to Practise Committee

November 2013
About the General Optical Council

The General Optical Council (GOC) is one of 12 organisations in the UK known as health and social care regulators. These organisations oversee the health and social care professions by regulating individual professionals. We are the regulator for the optical professions in the UK. We currently register around 26,000 optometrists, dispensing opticians, student opticians and optical businesses.

Our Mission

Our statutory function is ‘to protect, promote and maintain the health and safety’ of members of the public. We interpret this in our Mission as ‘Assuring the health and protection of those who use the services of optometrists and dispensing opticians’.

Our Vision

The GOC is to be seen as leading the way in regulation. That is, to deliver our Mission in a manner that is innovative and exemplary.

We are determined to respond effectively to the considerable pressure for change in the way health professions are regulated. We do not plan to wait to be told how and what to change. Instead we want to get there first, building on good practice around us and taking the initiative where we can.

We are keen to ensure that our Vision is clearly understood, by all our stakeholders, as an aspiration to be an exemplar; in essence, to develop, adopt and share exemplary practice in public protection, working collaboratively with our stakeholders.

Our Values

We are responsible, forward thinking and principled:

Responsible

We inspire confidence because:

- We make clear, well-reasoned, evidence based decisions
- We account for our actions and are open to scrutiny
- We apply our resources in a targeted and proportionate manner
Forward thinking

We make a difference because:

- We pursue defined goals and measure our results
- We are progressive, innovative and agile in our ways of working
- We achieve and deliver more by working collaboratively
- We are a learning organisation committed to continuous improvement

Principled

We build trust because:

- We gain respect through our credibility, integrity and high standards
- We listen openly, act responsively and communicate honestly
- We behave consistently and fairly to everyone
- We foster a positive and productive culture
Responding to the consultation

Respond to

Please send your responses to Miss Mandie Lavin, Director of Regulation, no later than **Tuesday 14 January 2014**.

A consultation response form is attached to this document. Responses should be sent to:

General Optical Council  
41 Harley Street  
LONDON  
W1G 8DJ

Email: ftpguidanceconsultation@optical.org

Please include your contact details so that we can follow up any relevant aspect of your response. Unless you state otherwise (and an automatic disclaimer generated by your IT system will not be taken as such) we will assume you are happy for us to publish your response and to share it with other appropriate bodies and stakeholders.

Further information

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

A copy of this consultation has been sent to a large number of stakeholder groups representing our registrants, patients, partner organisations and other groups. If you have any queries about the consultation then please contact Miss Mandie Lavin, Director of Regulation, on 020 7307 3454 or email mlavin@optical.org

Our commitment to consultation

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

How we consult with our stakeholders is set out in our Consultation Framework, available in the consultation section of our website. Feedback on the consultation process itself would be welcome. If you have any comments then please contact Simon Grier, Communications Manager, on sgrier@optical.org
**Guidance on Fitness to Practise Rules**

**Start date:** Tuesday 26 November 2013 **End date:** Tuesday 14 January 2014

**Results published**

In a paper to the GOC Council in February 2014, then published on the GOC website.

**About this consultation**

Our Fitness to Practise Rules define how we deal with reports that a registrant may not be fit to practise. Published guidance is already available to the Investigation and the Fitness to Practise Committees. This consultation updates the Investigation Committee guidance and introduces guidance for case examiners. The consultation also includes the Fitness to Practise Panels Hearings Guidance and Indicative Sanctions.

We want to take this opportunity to gather feedback from stakeholders, including patients, registrants, professional membership bodies and their legal representatives, and other healthcare regulators.

**About the guidance for the Investigation Committee, Case Examiners and the Fitness to Practise Committee**

The Opticians Act provides the legal framework for considering reports that a practitioner may not be fit to practise. The Act also requires the GOC to provide guidance on fitness to practise matters. This draft guidance updates that already used by the Investigation Committee and Fitness to Practise Panels and introduces guidance for case examiners.

**Introduction**

The Council agreed new Fitness to Practise Rules at its meeting held on 29 September 2011.

The fitness to practise work of the Council is governed by statutory rules which are applied to the decision-making points of the fitness to practise process. Historically, there have been two such points; the Investigation Committee (IC) and the Fitness to Practise Committee (FTPC). These committees are populated by a mix of lay and professional members appointed and trained for their respective tasks. Both have lay Chairs. The new rules introduce case examiners. Two case examiners (one professional and one lay) will be able to take most of the decisions taken under the 2005 Rules by the IC, including whether an allegation should be referred to the FTPC. Either of the two case examiners will be able to refer a registrant to the FTPC for consideration of an interim order.

The work of the IC is to consider reports about registrants fitness to practise and decide, in the light of information gathered from an initial investigation (together with
health or performance assessments where relevant), whether the matter should be referred for a full investigation and hearing before the FTPC.

The new Fitness to Practise Rules introduce changes intended to improve the efficiency of the fitness to practise process. One such change is the introduction of the case examiner role, who will work in pairs as the principal decision-makers at the (current) IC stage. The IC is not being abolished but will have a re-defined role as detailed in the attached guidance.

Under the 2005 Rules, only the IC is able to refer a matter to the FTPC for consideration of an interim order of conditions or suspension. However, the new Rules delegate this power to the registrar under Section 13E(1) of the Opticians Act 1989. The GOC considers this change promotes public protection by allowing interim orders to be considered as promptly as possible after receipt of an allegation by the Council, without the need first to refer to the IC.

We have drafted the guidance documents in order to ensure transparency of process which is in the public interest. Once the consultation has concluded we will draft a report which will include the number and quality of responses, whether new or helpful suggestions were made and the extent to which the draft guidance was amended as a result. The consultation report with finalised guidance (taking into account feedback) will be presented for consideration and approval by Council in time for implementation from 1 April 2014.

The draft guidance documents are provided as annexes. The following questions are designed to help capture your views. If you wish to make other comments not covered by the questions, please do so.
Response form

Please send your responses to Miss Mandie Lavin, Director of Regulation, no later than Tuesday 14 January 2014.

A consultation response form is attached to this document. Responses should be sent to:

General Optical Council
41 Harley Street
LONDON
W1G 8DJ

Email: ftpguidanceconsultation@optical.org

Your details

Name:

Address:

Telephone number:

Email:

Are you replying on behalf of an organisation?

Name of the organisation:

Your position:

Nature of the organisation’s work:

Keeping in touch

Because we value your input, we would like to contact you occasionally to let you know when we launch consultations and to invite you to future events. We will not pass your data on to any third party. Please tick here if you do not wish to be contacted in this way about the GOC’s consultations:
Questions

1  Are the guidance documents clear?

   If not, please provide your comments:

2  Does the guidance clearly explain how the GOC will process fitness to practise matters?

   If not, please provide your comments:

3  Do you agree that the guidance will help ensure the decisions made by the Investigation Committee and case examiners are consistent?

   If not, please provide your comments:
4 Do you agree that the guidance will help those who are making or determining fitness to practise matters understand the factors that will be taken into account when reaching a decision?

If not, please provide your comments:

5 Do you have any other comments on the draft guidance?
Closing date for responses is **Tuesday 14 January 2014**.

Send to:

Miss Mandie Lavin  
Director of Regulation  
General Optical Council  
41 Harley Street  
LONDON  
W1G 8DJ  

Email: ftpguidanceconsultation@optical.org