

General Optical Council Consultation on Regulation of Students Optical Confederation Response

The Optical Confederation represents the 12,000 optometrists, 6,000 dispensing opticians, 7,000 optical businesses and 45,000 ancillary staff in the UK, who provide high quality and accessible eye care services to the whole population. The Confederation is a coalition of five optical representative bodies: the Association of British Dispensing Opticians (ABDO), the Association of Contact Lens Manufacturers (ACLM), the Association of Optometrists (AOP), the Federation of Manufacturing Opticians (FMO) and the Federation of Opticians (FODO). As a Confederation we work with others to improve eye health for the public good.

We very much welcome the opportunity to comment on the General Optical Council's (GOC) proposals on the future regulation of students. We would also like to thank the GOC for meeting with us during the consultation period and for organising the recent stakeholder event.

Summary

The Confederation supports the GOC's decision to change the way student optometrists and student dispensing opticians are regulated. However we do not support any single option in its entirety. Instead, we would prefer to see elements of Options 2 and 3 adopted - regulation without registration with the GOC for student optometrists and student dispensing opticians on a course of study, and full or 'provisional' registration for student optometrists in their pre-registration training and student dispensing optometrists during any work based placements.

Student Optometrists and Student Dispensing Opticians

We agree that issues regarding student optometrists and student dispensing opticians on a course of study can be more effectively and proportionately dealt with at a local level by education and training providers.

Additional guidance is necessary for many reasons; most notably to ensure consistency across the education and training providers, but also transparency so that student optometrists and dispensing opticians have a greater understanding of the types of issues that may impact upon their fitness to practise, before they embark on a 3 or 4 year undergraduate degree (student optometrists) or 2 or 3 year training course (student dispensing opticians). The GOC website has a potential registrant section and it would be helpful if the guidance was available there, and also on the College of Optometrists website.

In our experience, education and training providers are also better equipped to conduct these hearings in a much more timely and cost-effective manner, and are likely to have a much better understanding of the circumstances in which students work and the character of individual students. To give a recent example; in a case involving a student optometrist accused of cheating in an exam, the University investigation lasted 12 months. They found the student guilty of misconduct and asked her to sit the exam again and her result was capped at the pass mark. They also referred the matter to the GOC. The subsequent

investigation by the GOC took a further 24 months and the substantive hearing was listed for three days, however the hearing was concluded in less than one day. In the end, unsurprisingly, the Fitness to Practise (FTP) Committee also found the student guilty of misconduct, but determined that her fitness to practise was not impaired and they decided against issuing a warning. In summary, the outcome was the same at the University and the GOC – proof that Universities are capable of dealing with issues involving student optometrist and student dispensing opticians – but the costs and resources associated with defending the student at the GOC, and the GOC's own costs, were considerable.

We understand that Universities and Colleges who run the optometry programme and dispensing courses have their own disciplinary procedures in place, but not all have FTP procedures which are tailored for student optometrists or student dispensing opticians. The feedback we have received is that the FTP procedures that are already established, or already in place for other degree programmes e.g. nursing or medicine, operate well and are very effective.

However, there is significant variation when it comes to how students are dealt with and individuals working for education and training providers feel the GOC could provide more assistance in terms of advising them about the issues that need to be considered when determining whether a student is fit to practise. If Universities and Colleges are required to introduce an FTP procedure, or strengthen an existing FTP procedure so that it includes student optometrists/student dispensing opticians, then appropriate guidance is clearly needed, and the Confederation is seeking to have direct input in the devising or amending of those procedures at as early a stage as possible.

In terms of the standards expected of students, feedback from students is that the GOC and other bodies are good at informing students what is expected; however, many feel more could still be done to instil the need for professional behaviour at the outset of a student's career whilst still at University or College. Many believe that this is the appropriate time to get the message across to students, before they begin work. Taught modules on professionalism and ethics already exist. One idea which might be considered is to extend those modules to include the legal framework, and also explore the cross-over with other relevant areas of law e.g. business or employment law.

When it comes to deciding who will determine a student's fitness to practise, we would like to see representatives from the profession on any panel charged with making such decisions. We would also want to be able to continue providing advice and representation for students undergoing an FTP investigation.

One additional matter that will need careful thought is when and how, and in what circumstances, students will be required to disclose any University fitness to practise matters to the GOC when applying for registration or provisional registration. We would argue that students should not be required to declare mere investigations; however, the GOC is likely to require adverse findings to be declared when the student comes to apply for registration (or provisional registration) and, if so, we would like assurances that any declarations will be dealt with in a timely manner, so as not to result in a delay in registration.

We understand that some, if not all students, are required to declare criminal convictions at the start of their course, but that they are not currently required to undertake full DBS checks. In Scotland, students are required to join the Protecting Vulnerable Groups (PVG) scheme run by Disclosure Scotland. Consistency across the UK is imperative and we see no reason why DBS checks should not be rolled out to all Universities and Colleges, provided suitable guidance is in place to enable them to appropriately and consistently assess the impact that

any previous convictions or cautions may have in relation to the applicant's fitness to practise.

In summary, we agree with the GOCs proposals under Option 2, so far as they relate to student optometrists and student dispensing opticians on a course of study either at a University or College.

Pre-registration Optometrists and Trainee Dispensing Opticians

The Confederation is strongly opposed to the GOC's second proposal under Option 2: that, in future, the regulation of pre-registration optometrists and trainee dispensing opticians working in practice is undertaken by their employers. There would be clear conflicts of interest here and we believe that decisions relating to the regulation of these students should continue to be undertaken by a single body experienced in such matters - the GOC.

Our two main concerns with Option 2 are, firstly, the inevitable inconsistency which will result amongst decision makers if decisions relating to a student's fitness to practise are taken in-house by employers and, secondly, the negative effect this proposal will certainly have on the future training of student optometrists and student dispensing opticians.

- Employers do not welcome this proposal. Bearing in mind that when we talk about employers in this context it includes lone independent practitioners all the way through to a large company with multiple practices, each individual employer would need to devise, implement and administer its own FTP procedure in addition to existing disciplinary procedures. The cost of this proposal would be hugely disproportionate when you consider the small number of cases that currently require adjudication by the GOC.
- An employer would also need to ensure staff remained adequately trained in these procedures, which, again, would be a disproportionate expense, particularly for the small to medium size independent practices that only take on one pre-registration student a year, and, therefore, may only need to invoke their procedures once every 35 years, if at all, based on current GOC figures.
- Employers will have varying amounts of resources for monitoring of their FTP procedures, and it is inevitable that some employers will struggle to apply fitness to practise principles in a uniform way. This will lead to inconsistency and unfairness across employers and there is a much greater chance that injustices will occur as a result.
- Furthermore, if responsibility for regulating a pre-registration student is passed to their Supervisor, there is no way of ensuring that the Supervisor will have the appropriate amount of time and support to fulfil these additional responsibilities and the whole system is immediately undermined.
- In summary, the reality is that most employers will not have the time or resources necessary to administer what is a very important decision-making process, with significant implications for pre-registration students. Therefore it is highly likely that an employer who currently chooses to train a pre-registration optometrist or trainee dispensing optician will be dissuaded from taking on students as a result of these additional costs and the administrative burden, and this will inevitably lead to a shortage of placements for student optometrists and student dispensing opticians graduating from University or College.

- If the GOC's proposals regarding business regulation are agreed and those same employers are required to be registered, an employer could be dissuaded from taking on a student, for, on the one hand, student regulation would have to be fair and transparent and yet for a business to operate well, disruption must be kept to a minimum. The process by its very nature will be disruptive to the business. An employer who is registered with the GOC themselves will be acutely aware of the risk of a further investigation into their business practices, and may feel conflicted – wishing to protect their own systems from scrutiny. In these circumstances there might not be any feedback to the GOC.
- In conclusion, decision-making processes would be capable of being adversely influenced, however unintentionally that comes about, which would only serve to undermine the regulatory purpose, and would result in a system which is wholly unfair and open to legal challenge. It is unclear from the paper whether it is intended that the students would have a right of appeal, if they believe the decision taken against them is unfair. For these reasons we are strongly opposed to this proposal.

In order to address the very obvious risk of inconsistency intrinsic in this proposal, we would prefer to see the regulation of pre-registration optometrists and trainee dispensing opticians carried out by a single body and we would like to see this function retained by the GOC.

We note that the GOC does not explain, within its consultation document, why option 3 (provisional registration) could not apply to student dispensing opticians working in practice. It is set out, within the consultation document, that one of the disadvantages of option 3 is the inconsistency that would exist if provisional registration only applied to student optometrists undertaking an optometry undergraduate course. It is our view that this system can also be put in place for student dispensing opticians during their work placements. In terms of students on the MSc programme in optometry, this will require further detailed discussion. It could be that students on the MSc register with the GOC in their final year, either on a compulsory or voluntary basis.

We should add that we are unclear precisely how 'provisional' registration is intended to differ from full registration.

On qualification, a pre-registration optometrist or trainee dispensing optician will still need to apply to the GOC for full registration. If there has been a previous investigation into their fitness to practise, then the GOC will need to have confidence in that previous decision, if they are going to rely on it and if the student is to avoid being investigated for a second time by the GOC. The GOC would, we suggest, have much greater faith in a decision made by their FTP Committee than an employer with less experience in matters relating to fitness to practise. It therefore makes sense for the function to be retained by the GOC.

If the GOC refuses entry onto the full register, even today, students face a significant delay before an appeal of that decision is heard by the Registration Appeals Committee, and before they are able to commence work as a qualified optometrist or dispensing optician. This could severely hamper their employment prospects. We would welcome assurances from the GOC that they could guarantee a quick-turnaround in such circumstances, and we would welcome further discussions about a fast-track process for students.

October 2013