

Response to the General Optical Council consultation: Draft Fitness to Practise Panels Hearings Guidance and Indicative Sanctions

7 April 2016

Dear Sir or Madam,

The Professional Standards Authority welcomes the opportunity to respond to the consultation document relating to 'Fitness to Practise panels hearings and indicative sanctions guidance'. We have some minor comments:

- . The document is long and could be enhanced by separating the general guidance from indicative sanctions guidance (we note the previous combined GOC guidance was significantly shorter in length than this current guidance).
- . We welcome the addition of guidance relating to the duty of candour. There is though no indication given to panels as to how seriously candour should be treated – i.e. explaining that being open and honest with patients is a patient right and is central to professionalism. Additionally, there is little guidance on how to assess the seriousness of cases (for example that covering up is worse than an omission). We also found it unhelpful that lack of candour is described both as a stand-alone charge and an aggravating feature.
- . We have nothing to add about setting the length of a warning: it has the potential to be more nuanced than a warning with no expiry (expiry dates can be tailored according to the severity of a registrant's contravention). However, some guidance should be given to panels on how to set the length, possibly with reference to a benchmark.
- . While we think it is relevant to consider the stage of a student registrant's career (e.g. long previously unblemished career), there is no established legal position on this in relation to sanctions. The guidance provided doesn't really say anything different than would apply in the case of a normal registrant and therefore provides little assistance to panels. It is important to consider that while some registrants will have the benefit of a long and previously unblemished career, others (in particular students) will not. More information would be helpful to assist with this problem. A suggestion would be for panels to consider whether the registrant would have been admitted to the register had the allegation predated registration.

Please get in touch if you would like to discuss any aspect of this response in further detail.

Kind regards,

Michael Warren

Michael Warren

Policy Adviser

1. Further information

- 1.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

Professional Standards Authority for Health and Social Care
157-197 Buckingham Palace Road
London SW1W 9SP

Email: michael.warren@professionalstandards.org.uk

Website: www.professionalstandards.org.uk

Telephone: 020 7389 8030