

Response to the General Optical Council consultation on draft supplementary guidance on the duty of candour

September 2016

1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and voluntary registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk
- 1.2 As part of our work we:
- Oversee nine health and care professional regulators and report annually to Parliament on their performance
 - Conduct research and advise the four UK governments on improvements in regulation
 - Promote right-touch regulation and publish papers on regulatory policy and practice.
- 1.3 We have previously provided advice to Government on how a professional duty of candour could operate¹ and worked with the General Optical Council (GOC) and the other statutory regulators to develop a more consistent approach to candour in the context of professional regulation.

2. General comments on guidance

- 2.1 We welcome the opportunity to comment on the GOC draft supplementary guidance on the professional duty of candour.²
- 2.2 Following on from the joint statement by the regulators on the duty of candour in October 2014, we are very supportive of the work being undertaken to embed this requirement into the standards of behaviour for health and care professionals. Alongside the inclusion of a new standard in the GOC Standards, this supplementary guidance is a helpful way of explaining why candour is so important and outlining how optical professionals can comply with this duty.

¹ Can professional regulation do more to encourage professionals to be candid when healthcare or social work goes wrong? Advice to the Secretary of State for Health, September 2013
<http://www.professionalstandards.org.uk/docs/default-source/publications/advice-to-ministers/Encouraging-candour-2013.pdf?sfvrsn=12>

² We have also reviewed the draft guidance on consent and have no comments on this.

- 2.3 Generally the guidance is clearly and logically laid out and includes some helpful information. We suggest that the document may benefit from a little more background in relation to the role of the GOC and the steps taken to add the new standard on candour into the GOC Standards. It may also be helpful to reference the statutory duty of candour for organisations earlier in the guidance document to help registrants better understand the context of their own professional duty of candour and the difference between the statutory and professional duty.
- 2.4 The guidance could also benefit from some case studies of situations where the duty of candour might apply. This would help registrants gain a clear picture of the circumstances in which this guidance might be relevant and how they should deal with the situation.
- 2.5 A glossary of key terms and an index would help with the readability of the document for registrants, employers and members of the public, all of whom have an interest in understanding what is expected of optical professionals on this important issue. We have provided further details in our answers to the consultation questions below.

3. Questions on guidance

- 3.1 *Question 1 - Do you support the GOC's approach in providing supplementary guidance on candour to support registrants in meeting their obligations in the Standards of Practice for Optometrists and Dispensing Opticians and Standards for Optical Students?*
- 3.2 We very much welcome this supplementary guidance produced by the GOC on candour to assist registrants with meeting the duty of candour under the GOC Standards of Practice. Being candid with patients when things go wrong is very important to ensure that patients or their relatives understand what went wrong and why, and can be more confident that lessons will be learned.
- 3.3 *Question 2 - Does the new supplementary guidance on candour make it clear what the GOC expects of its registrants?*
- 3.4 The guidance clearly lays out the expectations that the GOC has of registrants in relation to the duty of candour and outlines how they can meet their responsibilities in this area.
- 3.5 *Question 3 - Is the guidance on candour presented in a way that is clear, accessible and easy to use?*
- 3.6 The guidance is clearly laid out, although we suggest that it would benefit from an index and a glossary of key terms and names. This would make it more accessible for registrants, employers and members of the public, all of whom have an interest in understanding what the GOC's approach is and what is expected of optical professionals.
- 3.7 *Question 4 - Is there anything missing, incorrect or unclear in the guidance on candour?*
- 3.8 We suggest that it would be helpful to place the guidance in context by including more of the background information from the start of the consultation

document in the guidance itself. For example, it may be useful to add on the first page of the guidance the description of the GOC's role and how it fits into the professional regulatory system (currently on page 3 of the consultation document) and the aim of the guidance and the areas/information covered (currently on page 4 of the consultation document).

- 3.9 It may also be helpful, following the reference to the joint statement by the regulators in point 2 of the guidance, to outline briefly that the GOC revised its Standards to incorporate the duty of candour as a requirement, before going on to outline the specific wording of the relevant standard below.
- 3.10 In relation to the statutory duty of candour, it may be worth including a reference to this at an earlier point in the guidance (currently covered from point 34 onwards in the guidance). This may help registrants to understand the context of their own responsibilities and the difference between the statutory duty for organisations and the professional duty of candour for individuals.
- 3.11 It would be helpful to include some case studies in the guidance, of situations where the duty of candour might apply. This would help bring the issue to life for registrants and outline more clearly the circumstances in which the need for candour may arise and what action they should take.
- 3.12 *Question 5 - Are there any specific issues or barriers that could prevent stakeholders from implementing or complying with the guidance on candour?*
- 3.13 Not that we can see.
- 3.14 *Question 6 - What action should the GOC (or other organisations) take to help registrants to implement the guidance on candour?*
- 3.15 We suggest that the GOC take a proactive approach to promoting this piece of guidance and also seek to highlight to registrants the importance of the duty of candour through other communication channels.

4. Questions on impact

- 4.1 *Question 7 - Overall, do you expect that the guidance on candour will be beneficial to, or have a positive impact on, the protection of the public?*
- 4.2 We hope that the guidance will have a positive impact on protection of the public, however this will be dependent on how proactively the GOC promotes the guidance and this responsibility to its registrants. It will also depend on how it deals with complaints relating to lack of candour through its Fitness to Practise processes.
- 4.3 *Question 8 - Are there any aspects of the guidance that could have an adverse or negative impact on certain groups of patients, optometrists, dispensing opticians, optical students, optical businesses, optical training institutions or any other groups?*
- 4.4 Not that we can see.
- 4.5 *Question 9 - Are there any areas of the guidance that could discriminate against stakeholders with specific characteristics? Please consider sex, age,*

race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.

4.6 Not that we can see

5. Further information

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

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