

performance review 2020/21

GENERAL OPTICAL COUNCIL





ABOUT THE PERFORMANCE REVIEW PROCESS

We aim to protect the public by improving the regulation of people who work in health and care. This includes our oversight of 10 organisations that regulate health and care professionals in the UK. As described in our legislation, we have a statutory duty to report annually to Parliament on the performance of each of these 10 regulators.

Our performance reviews look at the regulators' performance against our [Standards of Good Regulation](#), which describe the outcomes we expect regulators to achieve. They cover the key areas of the regulators' work, together with the more general expectations about the way in which we would expect the regulators to act.

In carrying out our reviews, we aim to take a proportionate approach based on the information that is available about the regulator. In doing so, we look at concerns and information available to us from other stakeholders and members of the public. The process is overseen by a panel of the Authority's senior staff. We initially assess the information that we have and which is publicly available about the regulator. We then identify matters on which we might require further information in order to determine whether a Standard is met. This further review might involve an audit of cases considered by the regulator or its processes for carrying out any of its activities. Once we have gathered this further information, we decide whether the individual Standards are met and set out any concerns or areas for improvement. [These decisions are published in a report on our website.](#)

Further information about our review process can be found in a [short guide, available on our website](#). We also have a [glossary of terms and abbreviations](#) we use as part of our performance review process available on our website.

The regulators we oversee are:

General Chiropractic Council • General Dental Council • General Medical Council • General Optical Council • General Osteopathic Council • General Pharmaceutical Council • Health and Care Professions Council • Nursing and Midwifery Council • Pharmaceutical Society of Northern Ireland • Social Work England



Find out more about our work
www.professionalstandards.org.uk

General Optical Council

performance review report 2020/21

At the heart
of everything
we do is
one simple
purpose:
protection
of the public
from harm

Contents

- 01** At a glance - key facts and statistics about how the General Optical Council is meeting the Standards for 2020/21

- 02** Executive summary

- 03** How the General Optical Council has performed against the Standards of Good Regulation
 - 03** **General Standards** Five Standards

 - 06** **Guidance and Standards** Two Standards

 - 07** **Education and Training** Two Standards

 - 09** **Registration** Four Standards

 - 11** **Fitness to Practise** Five Standards

- 16** Useful information and links



The General Optical Council

key facts & stats

The General Optical Council (GOC) regulates the optical professions in the United Kingdom.

As at 30 September 2021, the GOC was responsible for a register of:

28,578 professionals and 2,803 optical businesses

Annual registration fee is: £360

The GOC's work includes:

- ▶ setting and maintaining standards of practice and conduct;
- ▶ assuring the quality of optical education and training;
- ▶ maintaining a register of students, qualified professionals and optical businesses;
- ▶ requiring optical professionals to keep their skills up to date through continued education and training; and
- ▶ acting to restrict or remove from practice registrants who are not considered to be fit to practise.

Standards of Good Regulation met for 2020/21 performance review

| | | |
|---|-------------------------------|------------|
|  | General Standards | 5/5 |
|  | Guidance and Standards | 2/2 |
|  | Education and Training | 2/2 |
|  | Registration | 4/4 |
|  | Fitness to Practise | 4/5 |

Meeting, or not meeting, a Standard is not the full story about how a regulator is performing. You can find out more in the full report.

The General Optical Council

Executive summary

How the GOC is protecting the public and meeting the Standards of Good Regulation



This report arises from our annual performance review of the General Optical Council (GOC) and covers the period from 1 October 2020 to 30 September 2021. The GOC is one of 10 health and care professional regulatory organisations in the UK which we oversee. We assessed the GOC's performance against the [Standards of Good Regulation](#) which describe the outcomes we expect regulators to achieve in each of their four core functions.

To carry out this review, we collated and analysed evidence from the GOC and other interested parties, including Council papers, performance reports and updates, committee reports and meeting minutes, policy, guidance and consultation documents, our statistical performance dataset and third-party feedback. We also used information available through our review of final fitness to practise decisions under the Section 29 process¹ and conducted a check of the accuracy of the GOC's register. We used this information to decide the type of performance review we should undertake. You can find further information about our review process in our [Performance Review Process guide](#), which is available on our website.

The GOC's performance during 2020/21

The GOC met all our Standards, with the exception of Standard 15 because we remained concerned about the length of time it takes to handle Fitness to Practise cases.

Key developments and findings

Fitness to practise timeliness

The GOC recognises that it needs to improve the speed with which it deals with fitness to practise cases. It has made progress implementing an improvement plan and this is starting to have a real impact. In particular, the GOC has significantly reduced the end-to-end timeliness measure this year, and has brought down the number of open cases in the system. We welcome these improvements, particularly in view of the ongoing challenges associated with the Covid-19 pandemic. However, looking across the whole review period, the GOC still took too long to conclude its fitness to practise cases. We therefore concluded that Standard 15 was not met.

Equality, Diversity and Inclusion (EDI)

The GOC continues to demonstrate a strong commitment to EDI. It has created a new EDI plan and appointed an EDI Partner to provide expert support. It commissioned an external consultant to produce a detailed Equality Impact Assessment for its Education

¹ Each regulator we oversee has a 'fitness to practise' process for handling complaints about health and care professionals. The most serious cases are referred to formal hearings in front of fitness to practise panels. We review every final decision made by the regulators' fitness to practise panels. If we consider that a decision is insufficient to protect the public properly we can refer them to Court to be considered by a judge. Our power to do this comes from Section 29 of the [NHS Reform and Health Care Professions Act 2002 \(as amended\)](#).

Strategic Review. The GOC continues to improve its collection and use of EDI data. However, there are still gaps in the data that need to be addressed; the GOC needs to collect EDI data by default when it carries out surveys and research. On balance, however, the GOC has again performed strongly in this area.

Education Strategic Review (ESR)

The GOC reached a key stage in its ESR work during this review period. From 1 March 2021, education providers must meet a new set of requirements in order to obtain approval for new qualifications in optometry or dispensing optics. We recognise the ESR has been a controversial issue in the sector, and stakeholder views have been mixed. However, we have seen the GOC seek out and listen to stakeholder feedback, and make changes to its proposals as a result. We will continue to monitor the implementation phase of this part of the ESR, as well as the GOC's work to update its requirements for specialist entry to the register.

How the General Optical Council has performed against the Standards of Good Regulation

General Standards

Standard 1: The regulator provides accurate, fully accessible information about its registrants, regulatory requirements, guidance, processes and decisions.

- 1.1 The GOC publishes information about its role and activities on its website; this includes the GOC register which is easy to search. The GOC had planned to relaunch its main website in June 2020, but this had to be postponed because of technical difficulties. The new website went live in December 2021.
- 1.2 The GOC has a dedicated standards website for registrants, which clearly sets out the current standards for optical businesses, optometrists and dispensing opticians, and optical students. It also contains supporting guidance on a range of issues, such as obtaining valid consent, the duty of candour and whistleblowing.
- 1.3 The GOC also has a separate consultation hub which provides concise summaries of how the GOC has responded to feedback. Full consultation reports and GOC responses are also available for the larger consultation exercises.

Conclusion against this Standard

- 1.4 The GOC continues to provide the information we would expect to see on its website, and we are satisfied that this Standard is met.

Standard 2: The regulator is clear about its purpose and ensures that its policies are applied appropriately across all its functions and that relevant learning from one area is applied to others.

- 2.1 The GOC's mission, as set out in its Strategic Plan 2020-25,² remains 'to protect the public by upholding high standards in the optical professions.' During this review period, the GOC demonstrated its focus on public protection in the way it pushed ahead with its Education Strategic Review (ESR; discussed further under Standard 8) under difficult circumstances. In updating its Illegal Practice Strategy, it has aligned that area of its work more closely to its core regulatory functions.
- 2.2 The GOC published an updated conflicts of interest policy in September 2021. There are no substantive changes from the previous version, but it has been rewritten in a simpler and more concise manner to make it more accessible. We welcome this improvement.

Conclusion against this Standard

- 2.3 The GOC continues to focus its activities on public protection, and we are satisfied that this Standard is met.

Standard 3: The regulator understands the diversity of its registrants and their patients and service users and of others who interact with the regulator and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.

- 3.1 The GOC continues to demonstrate a strong commitment to issues around Equality, Diversity and Inclusion (EDI). Key developments during this performance review period include: creation of a new EDI plan; appointment of an EDI Partner to provide specialist advice; and staff training on bias and behaviours. EDI-related plans and activity are reported to Council each quarter.

EDI data

- 3.2 The GOC continues to improve its collection and use of EDI data, although there are still gaps that need to be addressed.
- 3.3 The GOC now has EDI data covering all the protected characteristics for 100% of its registrants. This has enabled the GOC to produce robust analysis of registrants subject to fitness to practise complaints, which the GOC has used to identify issues for further investigation and action.
- 3.4 The GOC recognises that it needs to improve the EDI data it holds on staff and Council members, particularly in terms of keeping it up to date. It also needs to ensure that it collects EDI data by default when it carries out surveys and research; we only found evidence of EDI analysis relating to age and gender in its major Public Perceptions Survey,³ published in February 2021.

² <https://optical.org/en/about-us/how-we-work/our-strategic-plan/>

³ <https://optical.org/en/publications/policy-and-research/public-perceptions-research/public-perceptions-research-2021/>

- 3.5 Under the new requirements for approved qualifications resulting from the ESR, education providers will be required to collect EDI data from students, and to use that data to inform the design, delivery and assessment of qualifications.

Equality Impact Assessments

- 3.6 The GOC published a number of Equality Impact Assessments (EIAs) during this review period. The most significant of these was for the ESR, which is a complex and far-reaching reform programme. The GOC commissioned an external consultancy to undertake this EIA. It concluded the GOC had demonstrated its commitment to advancing EDI in all the key elements of the ESR, and that ‘the critical importance of EDI is effectively signalled to [education] providers’.⁴

Conclusion against this Standard

- 3.7 The GOC continues to demonstrate strong performance against this Standard and we are satisfied that it is met. We encourage the GOC to address the remaining gaps in its EDI data, notably around patients and the public.

Standard 4: The regulator reports on its performance and addresses concerns identified about it and considers the implications for it of findings of public inquiries and other relevant reports about healthcare regulatory issues.

- 4.1 The GOC publishes three key corporate documents: an annual report of its EDI arrangements; an annual report and accounts (including an annual fitness to practise report); and a strategic plan. It also publishes quarterly performance reports which are discussed at its Council meetings.
- 4.2 The GOC reflects on the findings of relevant reports and takes appropriate action. These include reports produced or commissioned by the GOC itself, such as its registrant survey and annual audit of fitness to practise decisions, as well as reports published by other organisations.
- 4.3 We noted in our last report that the GOC had made changes to its governance arrangements by introducing an Advisory Panel, through which its Education, Standards, Registration and Companies committees meet. We commented that the GOC should publish the notes of the Advisory Panel’s meetings, as per its terms of reference, to ensure that the new system was appropriately transparent. This did not happen consistently during the performance review period, and we encourage the GOC to address this issue.

Conclusion against this Standard

- 4.4 The GOC reports on its performance and generally takes action where issues are identified, although it has not consistently published minutes of its Advisory Panel meetings. On balance we are satisfied that this Standard is met.

⁴ <https://optical.org/en/publications/education-strategic-review-equality-diversity-and-inclusion-impact-assessment/> page 3.

Standard 5: The regulator consults and works with all relevant stakeholders across all its functions to identify and manage risks to the public in respect of its registrants.

- 5.1 Evidence we have collected, including through our Learning from Covid review,⁵ indicates broad satisfaction among stakeholders about the GOC's engagement with them during the Covid-19 pandemic. We received positive comments from stakeholders about the GOC's proactive and open approach during this difficult period.
- 5.2 The GOC consulted on a range of issues during the review period. It reflected on the feedback it received and made changes to its proposals as a result. One stakeholder told us that the GOC needed to consider the burden on the sector of so many consultations, although it also noted that the GOC had shown flexibility in deadlines and welcomed the GOC's engagement with key stakeholders in advance of formal consultations.
- 5.3 We have also seen evidence of the GOC working effectively with other organisations either bilaterally or in groups, such as through the Fitness to Practise Stakeholder Group.
- 5.4 The GOC published the results of its public perception research⁶ and a registrant survey⁷ during this performance review period. We have seen evidence of how the GOC has responded, or plans to respond, to some of the issues raised.

Conclusion against this Standard

- 5.5 There is clear evidence that the GOC has engaged effectively with its stakeholders during this performance review period, and we are satisfied that the Standard is met.

Guidance and Standards

Standard 6: The regulator maintains up-to-date standards for registrants which are kept under review and prioritise patient and service user centred care and safety.

- 6.1 The GOC did not make any changes to its standards for registrants or businesses during this performance review period. It had intended to start work to review the standards for registrants from spring 2021, but this was delayed by the pandemic and its decision to prioritise other strategic objectives such as the Continuing Education and Training review and ESR. We expect this work to start later in 2022 and we will consider this in our next performance review. In the context of the pandemic and given that we are not aware of concerns about the standards, we consider that was a reasonable decision.

⁵ www.professionalstandards.org.uk/publications/detail/learning-from-covid-19-a-case-study-review

⁶ <https://optical.org/en/publications/policy-and-research/public-perceptions-research/public-perceptions-research-2021/>

⁷ <https://optical.org/en/publications/goc-registrant-survey-2021/>

Conclusion against this Standard

- 6.2 We have seen no evidence that the GOC's standards have become out of date, and we are satisfied that this Standard is met.

Standard 7: The regulator provides guidance to help registrants apply the standards and ensures this guidance is up to date, addresses emerging areas of risk, and prioritises patient and service user centred care and safety.

- 7.1 The GOC publishes on its website guidance and position statements to support registrants to apply its standards. It did not update any of its general guidance documents during this review period; new guidance may be required if the GOC makes any changes to its standards for registrants, as discussed under Standard 6.
- 7.2 As we noted in our last report, the GOC launched a three-month consultation on its Covid-19 statements in October 2020. Following this, the GOC decided to align its statements with the College of Optometrists' red/amber/green classification system; each statement now starts by setting out in which phase(s) of the pandemic it will apply.

Conclusion against this Standard

- 7.3 The GOC provides guidance for registrants and businesses which it updates as appropriate, and we are satisfied that this Standard is met.

Education and Training

Standard 8: The regulator maintains up-to-date standards for education and training which are kept under review, and prioritise patient and service user centred care and safety.

Education Strategic Review

- 8.1 The GOC reached a key stage of its ESR during this performance review period. From 1 March 2021, applications for new qualifications must now meet a new set of requirements, replacing the previous education handbooks for optometry and dispensing opticians.
- 8.2 The GOC published a draft of these requirements for consultation in July 2020 and worked closely with key sector bodies, registrants and patients over several months. The feedback was mixed, and the GOC spent months engaging with stakeholders and refining its proposals. The GOC decided to proceed with implementation in February 2021, extending the timescale for existing education providers to adapt their currently approved qualifications at providers' choice of pace, to give them time to adapt their qualifications, with most providers aiming to recruit students into their adapted qualification in September 2023 or September 2024. We will continue to monitor this important strand of work as it moves into the implementation phase, as well as the GOC's equivalent work to update its requirements for specialist entry to the register.

- 8.3 As part of the ESR, the GOC has introduced a new standard for education providers regarding the way they handle concerns about students' fitness to train. This will apply to existing programmes as they adapt to the new education and training requirements, or any new programmes applying for approval. The GOC has produced guidance which notes that most complaints against students are better dealt with by the education provider according to their own disciplinary process. It also sets out questions for providers to consider when assessing whether a student's conduct may have crossed the fitness to train threshold. We support this approach.

Response to the Covid-19 pandemic

- 8.4 The GOC approved temporary changes to its Optometry Handbook and Supervision Policy in August 2020 which took effect from 1 September for the 2020/21 academic year only. These were intended to allow students to obtain appropriate clinical experience in a safe and practical way during the pandemic. The GOC subsequently extended these changes for a further two years. In response to ongoing difficulties faced by optometrists who are training to become independent prescribers, the GOC has also agreed to specific proposals from The College of Optometrists to address these. We have not received any concerns about these changes and consider them reasonable adjustments which the GOC has committed to monitoring.

Conclusion against this Standard

- 8.5 The GOC made further progress with its ESR to keep its standards for education and training up to date. It also showed flexibility in responding to the Covid-19 pandemic. We are therefore satisfied that this Standard is met.

Standard 9: The regulator has a proportionate and transparent mechanism for assuring itself that the educational providers and programmes it oversees are delivering students and trainees that meet the regulator's requirements for registration, and takes action where its assurance activities identify concerns either about training or wider patient safety concerns.

- 9.1 The GOC has an established process for approving new education programmes. It gave full approval to three qualifications during this performance review period; those providers had met conditions previously imposed by the GOC.
- 9.2 The GOC continued to carry out its quality assurance work despite the Covid-19 pandemic, albeit using remote rather than in-person visits. Some visits were slightly delayed, but we think the GOC's approach was reasonable and there was no risk to the public. Helpfully, the GOC website now sets out the approval status and latest visit report for each qualification; this information had previously been incomplete, and we encourage the GOC to keep it up to date.
- 9.3 During its annual monitoring review of education, the GOC identified two events that education providers should have reported to it when they happened: a decision by one provider to close a programme to new entrants, and a decision by a different provider to furlough many of its staff. The GOC took action to assure itself that the providers would continue to meet its requirements, and has

since taken further steps to reduce the risk of a similar situation occurring again. We identified no risk to the public and were satisfied with the measures the GOC took in response.

- 9.4 From 1 March 2021, the GOC has assessed applications for new qualifications using a more risk-based approach developed through its ESR. The GOC should continue to consider risk when deciding the timing and nature of future quality assurance reviews. We will consider the impact and effectiveness of this process in our future performance reviews.

Conclusion against this Standard

- 9.5 The GOC's work to approve and quality assure education providers and programmes has remained effective, despite the ongoing challenges of the pandemic. Its new, more risk-based approach, demonstrates the GOC's desire to maintain and improve the standards of education and training. We are satisfied that this Standard is met.

Registration

Standard 10: The regulator maintains and publishes an accurate register of those who meet its requirements including any restrictions on their practice.

- 10.1 The GOC did not meet this Standard last year because of errors in three separate areas of its registration processes. We noted in our last report, however, that the GOC took prompt and sensible action to correct these errors and reduce the risk of similar problems in the future. Since then, the GOC has made more changes to its processes which should further reduce the risk of error.
- 10.2 An independent audit in August 2021 gave substantial assurance about the governance, risk and control processes in place. We identified no errors during our own checks of the register.

Conclusion against this Standard

- 10.3 We are satisfied that this Standard is met.

Standard 11: The process for registration, including appeals, operates proportionately, fairly and efficiently, with decisions clearly explained.

- 11.1 The number of new registration applications rose sharply during this performance review period, following the resumption of exams that were suspended due to the Covid-19 pandemic. Despite this increase, the GOC was able to maintain the speed of its application process at around 4-5 days.

Conclusion against this Standard

- 11.2 The GOC has maintained its strong performance in handling registrations, and we are satisfied that this Standard is met.

Standard 12: Risk of harm to the public and of damage to public confidence in the profession related to non-registrants using a protected title or undertaking a protected act is managed in a proportionate and risk-based manner.

- 12.1 The GOC's approach to investigating and prosecuting criminal offences is set out on its website, alongside a complaint form and contact details for further assistance.
- 12.2 The GOC discussed its illegal practice work with stakeholders and commissioned research into the risks of illegal practice during this performance review period. It launched a full consultation on a revised Illegal Practice Protocol shortly after the end of this performance review period, which we will consider in our next review. However, it is worth noting that the GOC intends to close complaints regarding non-UK businesses or individuals. We welcome this change in approach, which is consistent with the GOC's statutory role as the regulator of the optical professions in the UK.

Conclusion against this Standard

- 12.3 The GOC is taking steps to improve its approach to illegal practice, ensuring that it is focused on areas of greatest risk to the public. We are satisfied that this Standard is met.

Standard 13: The regulator has proportionate requirements to satisfy itself that registrants continue to be fit to practise.

- 13.1 All fully-qualified optometrists and dispensing opticians are required by law to undertake Continuing Education and Training (CET).⁸ The GOC website sets out the requirements in place for the three-year CET period, alongside guidance for registrants.
- 13.2 Last year we noted the impact of the Covid-19 pandemic on the provision and uptake of CET. In April 2020, the GOC suspended its usual requirement to complete a minimum of six CET points each year, but it reinstated this for the 2021 CET year. This would appear to be a sensible and pragmatic approach, particularly since the GOC retained its longer-term requirement for registrants to complete 36 CET points over the three-year cycle. Uptake for CET has remained high during the pandemic as registrants have made greater use of online learning.
- 13.3 The GOC completed a refresh of its CET requirements during this review period, and the new rules took effect on 1 January 2022, including changing the name to Continuing Professional Development (CPD). As we noted in our report last year, consultation responses to the proposed changes were largely positive and the GOC made a number of amendments in light of the feedback it received.
- 13.4 The GOC also consulted on a new exceptions policy during this review period, to take effect from 1 January 2022. This sets out the principles the Registrar will apply in deciding whether a registrant can remain on the register without having

⁸ As set out in the Opticians Act 1989 and the General Optical Council (Continuing Education and Training Rules) 2005 as amended.

met their CET requirements. The GOC has sought to improve transparency around the decision-making process, and to clarify expectations around maternity, paternity and adoption leave. The GOC also stated that it wanted to give greater weight to the GOC's overriding objective of public protection. For example, even though a registrant's circumstances might be exceptional, their CET shortfall could be so significant that it would not be in the public interest to retain them on the register.

Conclusion against this Standard

- 13.5 The GOC flexed its CET requirements for registrants appropriately during the Covid-19 pandemic. It also worked with stakeholders to improve its CPD requirements and exceptions policy for the next three-year cycle, and we will monitor these in future reviews. We are satisfied that this Standard is met.

Fitness to Practise

Standard 14: The regulator enables anyone to raise a concern about a registrant.

- 14.1 The GOC provides information for anyone wishing to make a complaint about an optician on its website. This year, it introduced a new online complaint form to replace the previous template, which should make it easier for individuals to submit their complaints.
- 14.2 The number of complaints received by the GOC increased from 274 in 2019/20 to 418 in 2020/21. This was to be expected as the impact of Covid-19 pandemic changed and restrictions were eased. We have seen no evidence that people were unable to raise complaints with the GOC during the performance review period.

Conclusion against this Standard

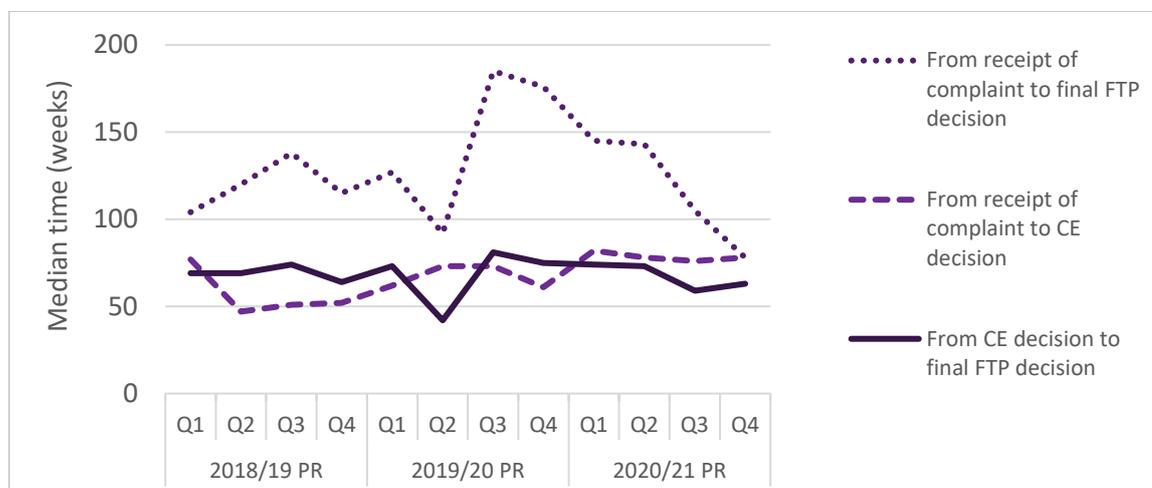
- 14.3 The GOC has appropriate processes and guidance in place to enable individuals to raise concerns about registrants. We are satisfied that this Standard is met.

Standard 15: The regulator's process for examining and investigating cases is fair, proportionate, deals with cases as quickly as is consistent with a fair resolution of the case and ensures that appropriate evidence is available to support decision-makers to reach a fair decision that protects the public at each stage of the process.

Timeliness of the fitness to practise process

- 15.1 The GOC has failed to meet our Standard relating to timeliness in each of the last six years. As we noted in our last report, however, the GOC has shown a firm commitment to tackling this, and its improvement plan is starting to deliver results.
- 15.2 A key element of the plan has been to filter out more complaints that could not result in a decision of impairment. As a result, the GOC has been able to

significantly reduce the number of new fitness to practise cases being opened. The GOC also focused on closing more of its older cases, which contributed to a deterioration in the end-to-end timeliness measure last year. As the chart below shows, the GOC reversed that increase during this performance review period.



- 15.3 We received positive feedback regarding the GOC's improved fitness to practise performance from two major stakeholders this year. These stakeholders referred to 'significant improvement' in the speed at which the GOC progressed fitness to practise cases, while maintaining quality standards.
- 15.4 However, across the performance review period as a whole, the three key timeliness measures were still generally high. They were also high compared to the other regulators.

| Median time (in weeks) from: | 2019/20 Annual | 2020/21 Annual |
|--|----------------|----------------|
| Receipt of referral to case examiner decision | 60 | 74 |
| Case examiner decision to final hearing | 67 | 67 |
| Receipt of referral to final fitness to practise committee determination/or other final disposal of the case | 120 | 141 |

- 15.5 The GOC has told us that, while it was able to progress conduct-related cases largely as usual during the pandemic, it did not progress as many clinical cases as it had hoped because of delays in securing clinical records and expert reports. The GOC has also noted that it has had problems with witness engagement, particularly with witnesses employed in the optical sector.
- 15.6 Despite these challenges, the GOC has been able to prevent a backlog of cases from building up. It has also continued to reduce the number of open older cases. There were 72 cases more than a year old at the end of this performance review period, compared to 117 at the same point last year.

Conclusion against this Standard

- 15.7 The GOC has made two notable improvements against this Standard over the performance review period: it has significantly improved the end-to-end timeliness measure; and it has brought down the number of open older cases in

the system. In the challenging context of the pandemic, and the difficulties faced in gaining access to medical records, and securing witness engagement, these are to be welcomed.

- 15.8 However, over the review period as a whole, and even after making these improvements, the GOC was still taking too long to conclude fitness to practise cases. We therefore conclude that this Standard is not met.

Standard 16: The regulator ensures that all decisions are made in accordance with its processes, are proportionate, consistent and fair, take account of the statutory objectives, the regulator’s standards and the relevant case law and prioritise patient and service user safety.

- 16.1 As the table below shows, the number of cases reaching the case examiner stage of the fitness to practise system fell significantly (59%) compared to the previous year. Partly, this was an intended outcome of the changes to the GOC’s fitness to practise process noted at paragraph 15.2 above; partly, it will have been caused by a reduction in referrals due to the Covid-19 pandemic.

| Number of decisions made by a case examiner, and with the following outcomes: | 2019/20 | 2020/21 |
|--|----------------|----------------|
| Total | 223 | 92 |
| No further action | 101 | 33 |
| Advice | 18 | 7 |
| Warning / caution | 28 | 7 |
| Referral to a fitness to practise committee | 49 | 28 |
| Adjourned | 13 | 17 |

- 16.2 The number of cases progressing to a fitness to practise committee fell by 43% compared to the previous year. The changes to the early stages of the GOC’s fitness to practise process should not have affected the number of cases going to a final hearing, so we asked the GOC for more information. The GOC has told us that this reflects a drop in total complaints, and that the proportion of cases being referred to the committee rose from 22% in 2019/20 to 30% in 2020/21. The GOC also noted that the number of cases progressing has started to increase again in the months after this performance review period ended. We accept that the decline in referrals during 2020/21 could have been caused by the drop in overall complaints, together with the natural variation associated with such a small number of cases. We will continue to monitor the data about case examiner decisions.

Warnings

- 16.3 The external audit of fitness to practise decisions for the 2019/20 financial year identified material errors in three of the six cases checked where the GOC had issued a warning to registrants. The GOC reviewed these three warnings and removed them. We agree with the GOC’s assessment that, while the warnings impacted on the registrants concerned, they did not present a risk to the public.

We also recognise that these decisions were made before the start of this performance review period. However, we wanted to understand how the GOC had responded to the audit findings.

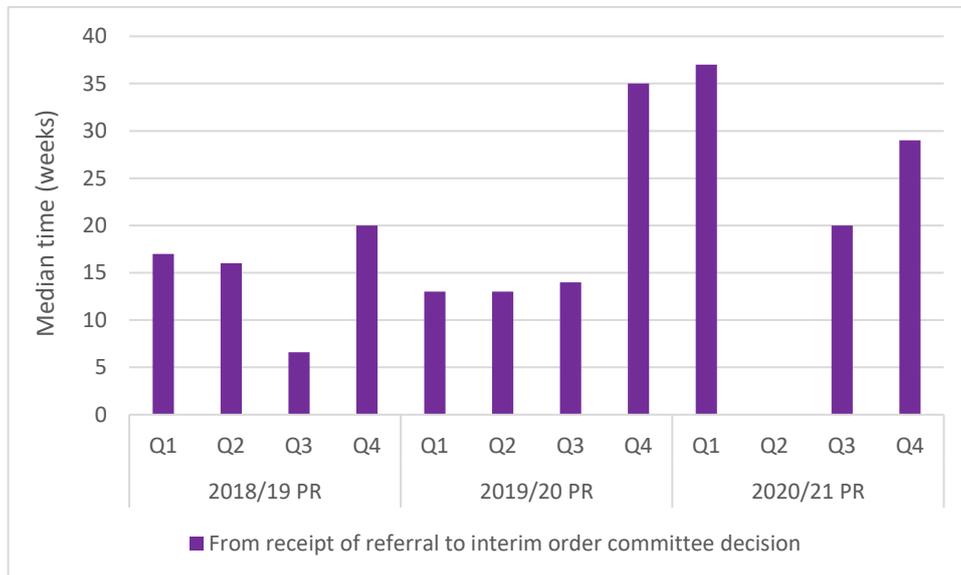
- 16.4 The GOC conducted training for its case examiners in November 2020 to address the auditor’s findings. The audit covering the 2020/21 financial year did not identify any material errors in case examiner decisions, and the learning points from that audit have since been addressed through further training. As the table above shows, the use of warnings has dropped significantly during this performance review period. We have no evidence that case examiners have issued warnings inappropriately this year.

Conclusion against this Standard

- 16.5 We have not seen any evidence that the GOC’s fitness to practise work is failing to protect the public and we are satisfied that this Standard is met.

Standard 17: The regulator identifies and prioritises all cases which suggest a serious risk to the safety of patients or service users and seeks interim orders where appropriate.

- 17.1 The GOC has appropriate processes in place to assess and manage risks in its fitness to practise system, and we have not identified any evidence of poor decision making in this regard. However, as the graph below shows, there has been a significant increase in the median time between the receipt of a referral and an interim order committee decision.



- 17.2 The data, however, is difficult to interpret because the GOC makes so few applications for an interim order; it made six applications in the 2020/21 financial year, compared to 12 the previous year. The GOC told us that, in some clinical cases, it had encountered problems accessing the medical and hospital records it required to build a robust case; this is not surprising in the context of the Covid-19 pandemic. We note that the GOC has introduced an escalation process to try to speed this up, although we are not aware of any impact during this review period. We are content that the GOC has been taking appropriate

steps to manage those parts of the process that it can control, such as having in-house clinical advisors and a pool of expert witnesses to call on.

Conclusion against this Standard

- 17.3 The increase in the median from receipt of referral to interim order committee decision has taken place in the context of a very small number of cases and an ongoing pandemic. The delays in clinical cases do appear to be the result of problems accessing medical and hospital records, and the GOC has introduced an escalation policy to try to tackle this. We are satisfied that this Standard is met. We will continue to monitor how long it takes to make interim order decisions.

Standard 18: All parties to a complaint are supported to participate effectively in the process.

- 18.1 The GOC met this Standard last year and we have seen no evidence that its performance has deteriorated during this review period.
- 18.2 The GOC has updated its remote hearings protocol and guidance to include suitability factors to consider during periods of no (or minimal) Covid-19 restrictions. Substantive hearings can be held in person, remotely, or as a hybrid. The GOC has made the parties' access to, and understanding of, technology a key factor to consider when deciding how to hold these hearings.
- 18.3 The GOC carried out a pilot of remote case management meetings between fitness to practise parties in 2020. Under this approach, the GOC convenes two conference calls with the parties to try to resolve issues and minimise delays. Feedback was positive and the GOC launched the revised case management process alongside new guidance in September 2021. This document includes a separate section for unrepresented registrants who may need additional help, as well as links to external sources of advice and assistance.
- 18.4 In December 2020, the GOC launched a new quarterly bulletin, *FtP Focus*, designed to help registrants understand the process. Each issue has concentrated on a different stage of the process and provided links to various sources of support.

Conclusion against this Standard

- 18.5 The GOC has taken a number of positive steps to improve the way it supports parties to fitness to practise cases, including demonstrating a focus on supporting those who might need extra help – for example producing specific guidance about its case management meetings for unrepresented registrants. We have not received any concerns about the GOC's performance against this Standard and we are satisfied that it is met.

Useful information

The nature of our work means that we often use acronyms and abbreviations. We also use technical language and terminology related to legislation or regulatory processes. We have compiled a glossary, spelling out abbreviations, but also adding some explanations. You can find it on our website [here](#).

You will also find some helpful links below where you can find out more about our work with the 10 health and care regulators.

Useful links

Find out more about:

- [the 10 regulators we oversee](#)
- [the evidence framework we use as part of our performance review process](#)
- [the most recent performance review reports published](#)
- [our scrutiny of the regulators' fitness to practise processes, including latest appeals](#)

Professional Standards Authority for Health and Social Care

157-197 Buckingham Palace Road
London SW1W 9SP

Telephone: **020 7389 8030**

Email: info@professionalstandards.org.uk

Web: www.professionalstandards.org.uk

© Professional Standards Authority
for Health and Social Care March 2022

