



21st February 2008

Department of Health Consultation on Health Care and Associated Professions (Miscellaneous Amendments) Order 2008

The College of Optometrists is the professional, scientific and examining body for optometry, the Association of Optometrists is the representative body for optometry and the Association of British Dispensing Opticians is the professional, examining and representative body for dispensing opticians. We are grateful for the opportunity to comment on the draft proposals and we will take your consultation questions in turn.

1. Do you support having, as a main objective for all the regulators, a provision giving greater emphasis to the importance of public protection?

Optometry and dispensing optics are regulated by the General Optical Council (GOC) whose objective is defined in legislation as to protect, promote and maintain the health and safety of members of the public. As such we feel that public protection is already enshrined in the regulation of optometry and dispensing optics. Paragraph 3.3 in the consultation states that the *main* purpose of statutory regulation is to protect people needing the services of the registered professions. We would like to point out that this is not the *only* purpose, as there also needs to be some sanction for persons who are unlawfully carrying out functions that are reserved by statute to only be carried out by someone on the appropriate register. As an example it is important that the GOC is still able to prosecute any person who is unlawfully carrying out such reserved functions. The danger on the regulator focussing only on those who are on its register(s) is that such unlawful activity may continue unchecked.

2. Do you agree that these standard duties will improve the co-operation and co-ordination between professional regulators and key stakeholders?

We feel that anything that will improve the co-operation and working together between professional regulators and key stakeholders is desirable.

3. Do you agree that Parliament should play an enhanced role in relation to the accountability of regulatory bodies, facilitated by improved arrangements for notification by the bodies of information relating to their past and future activities?

We feel that it is important for the GOC to retain its independence, and not be subject to political pressures.

4. Do you agree with the new, more flexible arrangements for establishing constitutions for the regulatory bodies?

We support the proposed arrangements and we would recommend that the Privy Council should not only consult with the GOC before making any direction to the Appointments Commission, but should be required to have regard to the views of the GOC before the Privy Council issues its directions.

We would also like to point out that the GOC already has a minority of each profession that it regulates on its Council and in Fitness to Practise hearings there is a lay majority.

5. Do you agree with adding appearance on a barred list to the grounds for which a health professional's fitness to practise may be considered to be impaired?

We agree with the proposal that appearance on a barred list is to be considered grounds for which an optometrist's fitness to practise may be considered to be impaired. However we would want to emphasise that such cases should be dealt with by a Fitness to Practise panel in the same way as a registrant with a criminal conviction, with all the relevant facts being considered rather than this being a matter for automatic removal.

6. Do you agree with the strategy for standardising the order and rule making powers of the regulators, and with the move towards giving them greater flexibility over internal process issues while increasing Parliamentary scrutiny of outcomes?

We agree with these proposals.

7. Do you agree that all regulators of health care professionals should be under a legal duty to maintain registers of the private interests of their council members?

We agree with these proposals and we also believe that in the interests of fairness and transparency this should encompass relevant public interests which may create a conflict of interest.

We also believe that this duty should include spouse's or partner's interests and would recommend that guidance is produced on this. We also feel that this duty should include other persons such as Committee members, visitors etc.

8. Do you agree the regulators should have the option of engaging other bodies to assist them with their appointments functions?

We agree with this proposal.

We are happy for our response to be made public.

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