

GENERAL OPTICAL COUNCIL

Civil Standard of Proof

1. At its meeting of 13th March, 2008, Council approved for consultation a document outlining a proposed change to GOC's Fitness to Practise Rules and associated guidance on the application of the rule to implement the White Paper direction that the civil standard of proof be used in relation to findings of fact in fitness to practise hearings.
2. The proposed rule change mirrored that which had been proposed, and consulted on, by the General Medical Council (GMC). Shortly after Council's meeting of 13th March, GOC became aware that the Department of Health had required that amendments be made to the GMC's proposed rule, and enquired with the Department the nature of the changes and the likely impact on GOC's proposed rule. The Department requested that it consider GOC's document before it was issued for consultation to ensure that any technical difficulties could be ironed out prior to consultation. The document was sent to the Department on 8th April 2008.
3. The Department has now convened a meeting with GOC and the Nursing and Midwifery Council (NMC) to discuss the implementation issues regarding the civil standard of proof. The Director of Legal and Fitness to Practise and the Director of Standards will meet with the Department on 13th May, 2008. An oral briefing will be given to Council of that meeting. In the meantime, the consultation document has not been issued.
4. With regard to the timing of the introduction of civil standard of proof, the Department has confirmed that it has no intention to commence the relevant provisions in the Health and Social Care Bill prior to October 2008, although as yet there is no definitive date confirmed for commencement. GOC has, therefore, decided to undertake relevant training of its Hearings Panel members in September 2008, as originally planned.

Council is asked to note the above.