

CODE OF CONDUCT FOR INDIVIDUAL REGISTRANTS

CONSULTATION QUESTION	VIEWS OF RESPONDENTS	VIEWS OF WORKING PARTY
<p>1. Do you agree that the proposed additional words help clarify what the code is for, who it applies to, and the consequences of registrants not complying with it?</p>	<p>The majority of respondents who expressed a view disagreed. A number of respondents who disagreed felt that the word 'expected' should not be changed to 'required', including the response of ABDO, AOP, College of Optometrists and FODO (henceforth the optical bodies). The GMC and NMC felt that this change made the code less ambiguous. The GMC added the caveat that it could have the effect of undermining the exercise of professional judgement (a point also made by the optical bodies).</p>	<p>The Working Party felt that the word 'required' better reinforced the fact that the principles in the Code were matters that registrants must comply with, and hence recommended that the word 'expected' be changed to 'required', and that the other proposed amendments in the consultation document be carried. It was also felt that the following amendment should be added to reinforce the consequences of non-compliance: 'Failure to comply with the duties and responsibilities set out in the Code may may will put registration at risk'.</p>
<p>2. Do you agree that the Code should be amended to make explicit reference to persons undertaking training as optometrists and dispensing opticians?</p>	<p>The vast majority of respondents either agreed or partly agreed. Only one respondent disagreed. However, the optical bodies objected to students and trainees being referred to generically as 'trainees'.</p>	<p>The Working Party felt that the Code should make explicit reference to persons undertaking training. On the issue of whether they are referred to as students or trainees, the Working Party concluded that the wording in the Code should reflect that in the Opticians Act 1989, and that students and trainees should be referred to as those undertaking training as optometrists and dispensing opticians.</p>

<p>3. Do you agree that the Code should be amended to state that registrants must have adequate and appropriate insurance?</p>	<p>The vast majority of respondents agreed.</p>	<p>The Working Party recommended that the proposal in the consultation document be upheld.</p>
<p>4. Do you agree that the Code should make it explicit that registrants must report information to the GOC, and other relevant organisations, about themselves or other health professionals or organisations, where this information may mean that they are not able to practise safely or effectively or be trusted to act legally?</p>	<p>The majority of respondents disagreed. This proposal received a great deal of comment, with a number of respondents expressing concern that fear of punitive action for not reporting concerns may lead to minor matters being reported which would be best be resolved locally. The optical bodies felt that the GOC needed to provide more information about the nature and size of the problem of matters not being reported in order to judge whether this proposal was proportionate.</p>	<p>The Working Party shared the concerns of a number of respondents that the proposed changes could lead to numerous minor matters being reported to the GOC where local resolution would be the best course of action. The Working Party noted the guidance issued by the GDC and GMC on this issue, and proposed that similar guidance be included in the Code. However, the Working Party felt that it was important that the Code gave guidance to registrants on the kinds of matters that they should report about themselves immediately to the GOC re criminal convictions, police cautions etc.</p>
<p>5. Do you agree that the Code should make it explicit that registrants must co-operate with any investigation or formal inquiry about their, or others, fitness to practise, fitness to undertake training as an optometrist or dispensing optician, or fitness to carry on business as an optometrist or dispensing optician?</p>	<p>The majority of respondents disagreed. The optical bodies pointed out that the GOC already has powers to call for papers, summon witnesses etc, and that they had not experienced any problems with co-operation with investigations. The NMC agreed with the proposal for the purposes of public protection and putting the interests of the patient first.</p>	<p>The Working Party felt that the proposal added clarity to the responsibility on registrants to co-operate with investigations, and hence felt that the proposal should be upheld.</p>

<p>6. Do you agree that the Code should make it clear that registrants must ensure that their personal conduct, as well as their professional conduct, does not damage public confidence in them or their profession?</p>	<p>The vast majority of respondents agreed with this proposal.</p>	<p>The Working Party felt that the proposal should be upheld.</p>
<p>7. Do you agree that examples of criminal offences or police cautions, including serious physical, sexual and racial behaviour that may put a person's registration at risk should be referred to in the Code?</p>	<p>The majority of respondents disagreed with this proposal. Some respondents thought there were difficulties regarding listing the kinds of offences that could put someone's registration at risk. The optical bodies were concerned about reference to police cautions, and pointed out that it is unlikely that 'serious' physical, sexual and racial behaviour would result in a caution. The GMC questioned the need to give examples of particular kinds of offences if it is the case that the GOC will always look at convictions and cautions it learns of.</p>	<p>The Working Party agreed that there may be difficulties in including a list of offences and cautions, and hence recommended that no list be included in the Code. It was felt that the proposal in relation to question 4 above made it explicit that all criminal convictions and police cautions must be reported to the GOC, and therefore it was not necessary to spell out in the Code those in particular which will put registration at risk.</p>
<p>8. Do you agree that the Code should include a clause requiring registrants to ensure that all promotional activity is accurate and honest and that advertising or publicity complies with appropriate advertising codes of practice?</p>	<p>The majority of respondents disagreed with this proposal. A number of respondents felt that this area was already well covered in other legislation and in GOS contracts in England (and in due course elsewhere), and hence did not need to be covered in the Code.</p>	<p>The Working Party agreed with the view of the majority of respondents that this issue was well covered elsewhere and did not need to be included in the Code.</p>

<p>9. Do you agree that the Code should highlight the guidance issued by the professional bodies on the issue of patient consent?</p>	<p>The vast majority of respondents agreed with this proposal.</p>	<p>The Working Party agreed that this proposal be upheld.</p>
<p>10. Do you agree that the Code should make it clear that registrants have a duty to show respect to all people irrespective of their gender, race, age, disability, religion, belief, or sexual orientation?</p>	<p>The vast majority of respondents agreed with this proposal. Some respondents suggested that other categories needed to be listed (e.g. gender identity). Others suggested that just stating the need to show respect to all people would be all-inclusive without the need to have a list. The optical bodies agreed with the list provided, but indicated that more detailed definitions would be opposed by them as these would lead to inadvertent exclusions.</p>	<p>The Working Party consider the advantages and disadvantages to listing gender, race, age etc. and whether this was necessary in view of the fact that the Code already contains a statement that registrants must not discriminate unfairly against patients or colleagues. The Working Party was persuaded that simply stating that registrants should show respect for all people, rather than providing a list.</p>
<p>11. Do any of the GOC's proposals to amend the Code unfairly discriminate, directly or indirectly, against individuals because of their gender, race, age, disability, religion, belief or sexual orientation?</p>	<p>The vast majority of respondents did not think that the proposals unfairly discriminated on these grounds.</p>	<p>The Working Party was satisfied that the proposals did not unfairly discriminate.</p>
<p>12. Are there any other ways in which the Code could be amended to further promote equality and diversity?</p>	<p>The vast majority of respondents did not think the Code could be amended to further promote equality and diversity or did not respond to this question.</p>	<p>The Working Party was satisfied that there were no further ways that the Code could be amended to further promote equality and diversity.</p>

<p>13. Do you agree that the Code should make it clear that registrants are required to act within the limits of their competence?</p>	<p>The majority of respondents who expressed a view disagreed with this proposal. The optical bodies felt that registrants were already aware of this requirement, which is embodied in guidance and reinforced in training at all levels, and that therefore a reference was not needed in the Code.</p>	<p>The Working Party felt that the proposal added clarity to the Code, and therefore should be upheld.</p>
---	---	--

CODE OF CONDUCT FOR BUSINESS REGISTRANTS

CONSULTATION QUESTION	VIEWS OF RESPONDENTS	VIEWS OF WORKING PARTY
<p>14. Do you agree that the proposed additional words help clarify what the Code is for, who it applies to, how it should be used, and the consequences of business registrants not complying with it?</p>	<p>A small majority of respondents who expressed a view disagreed with the proposal, although all those who gave reasons for their views agreed with the proposal.</p>	<p>The Working Party agreed that the proposals added clarity. Furthermore, it proposes that the following amended is made to reinforce the consequences of non-compliance with the Code: Failure to comply with the duties and responsibilities set out in the Code may will put registration at risk. It further proposed that it is made clearer to whom the Code applies, that the standards were those that the GOC expected of all bodies corporate, and that some explanation be added to explain as to what a business registrant is.</p>

<p>15. Do you agree that the proposed additional words emphasise the importance for business registrants to be aware of relevant clinical governance standards?</p>	<p>The vast majority of respondents who expressed a view agreed with the proposal.</p>	<p>The Working Party agreed that the proposal emphasised the importance of clinical governance, but felt that the following amendment would make clearer the obligation on business registrant in this regard: The GOC expects business registrants to be aware of relevant guidance and advice issued by other organisations and in particular that of professional and representative bodies and to comply with relevant local and national standards on clinical governance.</p>
<p>16. Do you agree that the Code should make it explicit that business registrants must report information to the GOC, and other relevant organisations, about themselves or other health professionals or organisations, which may mean that they are not able to practise safely or effectively or be trusted to act legally?</p>	<p>The majority of respondents who expressed a view agreed with this proposal. However, those who disagreed raised significant concerns. The optical bodies were concerned that the proposal could become a charter for frivolous cases to be brought against ex-partners/employers. They also pointed out that the Code for Business Registrants already requires business registrants not to knowingly do anything which might contribute to, or cause, a breach by practitioners of the Code for Individual Registrants.</p>	<p>The Working Party was concerned, as it was with the similar proposal for the Code for Individual Registrants (see Q. 4 above) about the proposal resulting in an increase in frivolous or less serious complaints which could better be dealt with locally. The Working Party felt that the wording should be changed to make it clear that action at a local level should normally be taken before involving the GOC.</p>

<p>17. Do you agree that the Code should make it explicit that business registrants must co-operate with any investigation or formal inquiry about their, or others', fitness to practise, fitness to undertake training as an optometrist or dispensing optician, or fitness to carry on business as an optometrist or dispensing optician?</p>	<p>The majority of respondents who expressed a view agreed with this proposal.</p>	<p>The Working Party felt that the proposal added clarity to the responsibility on business registrants to co-operate with investigations, and hence felt that the proposal should be upheld.</p>
<p>18. Do you agree that the Code should be amended to include a clause on financial and commercial dealings to mirror the Code of Conduct for Individual Registrants?</p>	<p>The majority of respondents disagreed with this proposal. The optical bodies pointed out that the Code for Business Registrants already requires business registrants not to knowingly do anything which might contribute to, or cause, a breach by practitioners of the Code for Individual Registrants, and hence they could not see the need for this new proposal other than drafting neatness.</p>	<p>The Working Party felt that the proposal did add clarity to what was required of business registrants, but felt the wording should be amended in both codes to state as follows: ensure that financial and commercial dealings practices do not compromise the interests of the patient patient safety.</p>
<p>19. Do you agree that the Code should include a clause requiring registrants to ensure that all promotional activity is accurate and honest in addition to requiring that advertising or publicity complies with appropriate advertising codes of practice?</p>	<p>The majority of respondents who expressed a view agreed with this proposal.</p>	<p>The Working Party felt that difficulties could arise in defining what constituted promotional material, and felt that the original wording in the Code should be retained.</p>