**Consultation document:**

**Service of statutory notices by email policy**

1. **Overview**

There are circumstances in which our legislation requires us to issue statutory notices or notifications (‘notices’) to our registrants (for example, removal of a registrant from the register, refusal to retain or restore a registrant on/to the register, or notice of an interim order hearing) or applicants seeking initial registration or to restore to the register. We are committed to doing this in a way that is fair to registrants/individuals and in line with the requirements of our legislation.

Section 23A of the Opticians Act 1989 (‘the Act’) allows for the creation of rules in respect of the service of notices by email. Section 23A(3) requires that these rules shall secure that a notice cannot be served by email “unless the person consents in writing to the receipt of notices from the Council by electronic communication and the communication is sent to the…address specified by that person when giving consent”.

Rules that relate to the service of notices under this section include [The General Optical Council (Fitness to Practise) Rules 2013](https://www.legislation.gov.uk/uksi/2013/2537/made) (‘the Fitness to Practise Rules’) and [The General Optical Council (Registration) Rules 2005](https://www.legislation.gov.uk/uksi/2005/1478/note/made) (‘the Registration Rules’).

The above rules were amended by The General Optical Council (Committee Constitution, Registration and Fitness to Practise) (Coronavirus) (Amendment) Rules 2020, with a new rule (2A) stating that “any notice, notification or other document which is required by these Rules to be served on another person may be served by email if that person has provided an email address for communications”.

Email is becoming more widespread and convenient, and we have considered whether in some circumstances it would be appropriate to use email instead of post. As per our legislation, we will only consider serving notices by email where the individual/registrant has consented in writing and provided an email address for this purpose.

We recognise that there may be additional risks in sending notices by email and so we have drafted a policy setting out the safeguards that we will apply to ensure fairness to our registrants and applicants seeking initial registration or restoration.

The draft policy, together with a draft impact assessment, is available on our [consultation hub](https://consultation.optical.org/policy-and-communications/service-of-statutory-notices-by-email-policy) in the ‘related’ section at the end of the page.

1. **Why we are consulting**

Our draft policy affects all of our registrants as we will be seeking consent from them to receive notices by email. We are interested in registrants’ and other stakeholders’ views on this policy and the safeguards that we will apply before we implement these in our next renewal period.

This consultation will last for a period of 12 weeks.

**Questions**

1. **To what extent do you agree with the content of the policy?**

a) Strongly agree b) Agree c) Neither agree nor disagree d) Disagree e) Strongly disagree

If you answered ‘disagree’ or ‘strongly disagree’, please explain your reasons.

1. **Is there anything unclear or missing in the policy?**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.

1. **Are there any aspects of the policy that could discriminate against stakeholders with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.)**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.

1. **Are there any aspects of the policy that could have a positive impact on stakeholders with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.)**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.

1. **Are there any other impacts (including financial) of the policy that you would like to tell us about?**

a) Yes b) No c) Not sure

If you answered ‘yes’, please give details.

NB This document is an aide for you to see all the substantive consultation questions at once. We would be grateful if you could input your responses into our consultation hub so that we can collect information about you or your organisation and whether the response can be shared.