

GOC/COVID/05

Date of statement: 26 March 2020 (updated 1 May 2020, 1 June 2020 and 28 May 2021)

General Optical Council (GOC) statement on our approach in fitness to practise for the service of documents and facilitating hearings during the COVID-19 emergency

This statement will apply in the **red**, **amber** and **green** phases of the COVID-19 pandemic, as defined by [The College of Optometrists' red-amber-green classification system](#).

Purpose of statement

1. As the UK regulator for the optical sector, we are committed to protecting the public, maintaining high ethical standards and taking all concerns raised with us seriously. During these extraordinary times, we are committed to taking a proportionate and fair approach when investigating and acting on concerns about the fitness to practise of those whom we regulate.
2. In this statement we set out how we will approach investigations and hearings, and any adaptations to our processes under the Fitness to Practise Rules 2013 ('the FtP Rules') (as amended by The General Optical Council (Committee Constitution, Registration and Fitness to Practise) (Coronavirus) (Amendment) Rules 2020) ('2020 Amendment Rules') as we move out of more restrictive lockdown measures.
3. In taking the steps set out below, we are putting our overarching objective – the protection of the public – at the forefront of our efforts to continue maintaining our functions during this period. We also recognise that it is important to registrants, and to all other parties involved in our fitness to practise proceedings, that we continue to progress cases as swiftly as we can.

Service of notifications and notices (fitness to practise proceedings)

4. Rule 61 of the FtP Rules created requirements in respect of the service on registrants of notifications and notices relating to our fitness to practise process. Section 23A of the Act enabled the making of rules for electronic service where the person consents in writing. The 2020 Amendment Rules amended the FtP Rules to permit service by email if that person has provided an email address for communications.
5. We will serve all notices in accordance with the amended FtP Rules and are currently finalising the details of an electronic service policy which will set out the safeguards that we will implement.

6. We will only serve notices, notifications and documents under our FtP Rules by email where the registrant has:
 - consented to this in writing; and
 - provided an email address for communications to be sent to.
7. Where a registrant does not give consent, or withdraws consent at a later date, we will serve notices, notifications and documents in hard copy (usually by recorded delivery post) in accordance with the requirements of section 23A(1) of the Act.
8. Even where a registrant has already consented to electronic service, we will arrange for a notice, notification or documents to be provided in hard copy if the registrant requests this at any time.
9. We ask all registrants to ensure that their contact details are up to date on their MyGOC account. To ensure confidentiality, and in compliance with our data protection obligations, we ask registrants to ensure that they have registered a personal email address with us.
10. This process will apply to all notifications and notices relating to new or existing fitness to practise proceedings. If a registrant has no access to equipment for viewing Fitness to Practise Committee hearing documents electronically, or where equipment is unsuitable (e.g. a mobile phone screen), we will provide the registrant with a paper copy of the hearing bundle.

Holding substantive and non-substantive hearings (fitness to practise proceedings)

11. We are currently scheduling hearings in accordance with our [Remote Hearings Protocol](#). Whether an event is suitable to be heard remotely, physically in person or on the papers will be assessed on a case-by-case basis by the Scheduling Officer, taking into account the view of the registrant (and their representatives if represented).
12. If it is agreed that the event is suitable, we will hold remote hearings via video-link, teleconference or on the papers ('on the papers' refers to cases that may be suitable for concluding and progressing without the need for the attendance of parties).
13. Temporary amendments to our FtP Rules by the 2020 Amendment Rules allow decisions to adjourn proceedings to be taken by the Hearings Manager¹. We will use this power in situations where both parties agree. Where there is disagreement between the parties, the Fitness to Practise Committee will continue to make decisions in line with rules 35-37. We will produce guidance to support this function.

¹ This function is encompassed within the role of the Head of Hearings.

14. Remote hearings will include the following attendees: committee members, legal adviser, hearings officer, GOC presenting officer, registrant, registrant representative(s) (if applicable), transcriber, clinical adviser (if applicable) and witnesses (if applicable).
15. Those hearings held on the papers will be conducted in compliance with our [Guidance for hearings on the papers](#).
16. Rule 25(1) of the FtP Rules require that substantive hearings must be held in public. To support this, we will provide a link to our remote public hearings in order that interested parties can attend. The link will be sent out following a request to the hearings team (via hearings@optical.org).
17. Attendance at the meeting is subject to the attendee agreeing to our [pre-admittance guidance note to observers](#) and the link will only be sent when we receive confirmation that this has been read and accepted. Attendance is subject to a maximum of 25 participants including parties to the event. There may be occasions when the Fitness to Practise Committee need to deliberate in private and a separate link will be enabled for this to occur. Occasionally, the committee may consider it appropriate, in accordance with rule 25(2), that the entire hearing should be in private. All determinations will continue to be made public on our website ([Hearings section](#)).
18. Rule 60 of the FtP Rules requires that a verbatim record is taken of every hearing before the Fitness to Practise Committee and this will be retained for remote hearings. It will remain open for any member of the public to request a transcript of proceedings in accordance with our guidelines.