

## **General Optical Council (GOC) Response: Welsh Government Mandatory Licensing of Special Procedures in Wales**

### **About the General Optical Council**

We are the regulator for the optical professions in the UK. We currently register around 33,000 optometrists, dispensing opticians, student optometrists and dispensing opticians, and optical businesses.

We have four core functions:

- Setting standards for the performance and conduct of our registrants.
- Approving qualifications leading to registration.
- Maintaining a register of individuals who are fit to practise or train as optometrists or dispensing opticians, and bodies corporate who are fit to carry on a business as optometrists or dispensing opticians.
- Investigating and acting where registrants' fitness to practise, or train, or ability to carry on a business may be impaired.

### **Our response to the consultation**

#### **General comments**

We welcome the opportunity to comment on the Welsh Government's consultation on the forthcoming mandatory licensing scheme for practitioners of acupuncture, body piercing, electrolysis and tattooing in Wales. The details of the licensing scheme are set out in the Public Health (Wales) Act 2017 (the Act). As a statutory healthcare regulator set up to protect the public, it is vital that there are appropriate systems in place to manage the adverse health effects associated with non-surgical aesthetic or therapeutic procedures.

Section 60 of the Act 2017 explains the circumstances in which an individual is exempt from the requirement to obtain a special procedure licence to perform the four named special procedures (acupuncture, body piercing, electrolysis and tattooing). Section 60(2) of the Act provides that an individual who is a member of a specific list of professions, including the optical professions regulated by the General Optical Council, is exempt from the requirement to obtain a licence unless regulations specify that a licence is required in relation to a specific special procedure.

Our response to the consultation focuses on these exemptions and on section 7 of the consultation document 'Individuals/professions that do not need a special procedure licence and premises/vehicles that do not need an approval certificate'.

## **Response to specific consultation questions**

### **Question 8 – Do you agree with the principle of this proposal that regulations should be made to limit the exemptions on members of the listed professional bodies in section 60?**

Any system of regulation must ensure effective public protection whilst also not placing unnecessary limits or burdens on those who are regulated or on the broader system. Duplication of regulatory effort should be avoided where possible, to ensure the burden of regulation is not overly onerous and is targeted towards areas where it can achieve the greatest impact.

We support the general principle that appropriately qualified professionals acting within their scope of practice who are already subject to statutory regulation should not be subject to additional regulation, unless that regulation is necessary to address risks which are otherwise not managed. Registered professionals are subject to their statutory regulator for their professional practice, including carrying out these special procedures. They would be required to follow their professional codes, undertake professional development and, were something to go wrong, the regulator would be able to investigate those concerns.

We note that the consultation document proposes that professionals would only be exempt from the requirement to obtain a licence in the following circumstances:

- The individual must be registered with a qualifying regulated mandatory professional body
- The special procedure is within their area of expertise and is considered 'in scope' and is therefore the subject of indemnification by the organisation they work for, or through self-indemnity if self-employed
- The special procedure is performed within the National Health Service or privately regulated healthcare service regulated by Healthcare Inspectorate Wales (HIW)
- If the individual ceases to be registered for any reason, their exemption would cease, and they would have to obtain a special procedure licence if they still wished to perform that special procedure.

We have two concerns about the proposals that professionals regulated by the GOC should be exempt from the requirement to obtain a special licence to carry out these procedures. The first concern relates to the nature of our register, whilst the second concern is about the scope of practice of an optometrist or dispensing optician. The GOC regulates both student and qualified optometrists and dispensing opticians. As such, we have individuals on our register who are still training and have not yet achieved the standards required to work as fully autonomous professionals. Student dispensing opticians and optometrists should therefore not be exempt from the requirement to obtain a licence for carrying out on of these procedures.

We set standards for safe and effective optical practice for both students and qualified professionals. Our standards of practice for optometrists and dispensing opticians include several standards relevant to carrying out these special procedures safely. These include standards on communicating effectively (standard 2), obtaining consent (standard 3), recognising and working within limits of competence (standard 6) and ensuring a safe environment for patients (standard 12). Our requirements for approved qualifications in optometry and dispensing optics set out the knowledge, skills and behaviours a student optometrist or a dispensing optician must demonstrate to join the register as a fully qualified optometrist or a dispensing optician. Again, some of those standards would be relevant to carrying out these four special procedures.

However, we our standards would not cover all aspects of carrying out these four procedures. We consider that carrying out these procedures would be a significant extension to the scope of practice of a qualified optometrist or dispensing optician, unrelated to eye care services, and requiring additional training and support before they could carry out these procedures. As such, we do not consider that optometrists and dispensing opticians should be exempt from the requirement to obtain a licence to carry out these procedures.