

Procurement

Legal Support Services (Fitness to Practise)

Expressions of Interest

We are the regulator for the optical professions in the UK. Our purpose is to protect the public by promoting high standards of education, performance and conduct amongst opticians. We currently register around 30,000 optometrists, dispensing opticians, student opticians and optical businesses.

A brief description of our four core regulatory functions is:

- Setting standards for optical education and training, performance and conduct.
- Approving qualifications leading to registration.
- Maintaining a register of individuals who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians.
- Investigating and acting where registrants' fitness to practise, train or carry on business is impaired.

Our website is at: www.optical.org

This procurement process is being undertaken as a two-stage restricted tender procedure, pursuant to section 6.2 (ii) of the GOC Contracts and Procurement Policy: <https://www.optical.org/download.cfm?docid=4E059864-DC2B-4A6C-A0F5350B72A6AF34>

1. The Service

We are seeking to procure legal support services for our Fitness to Practise (FTP) directorate, with effect from 1 April 2022.

This year (2021-22) it is forecast that we will open approximately 120 fitness to practice investigations. Currently, approximately 45 per cent of investigation cases are being referred to our Fitness to Practise Committee. We expect to instruct up to half of these referred cases out to the appointed provider(s), either for advocacy only, or for investigation and advocacy (for the sake of clarity, we expect to manage the other half in-house). We also expect to instruct appointed providers to undertake initial-stages investigations in a (total) maximum of 10 cases per annum. We expect these current case numbers to broadly continue through the period of the contract.

Important: Please note that this document – and this stage of the process - does not constitute an invitation to tender and it should not be construed as such.

The provision of legal services will be governed by an agreement commencing 1 April 2022 and concluding 31 March 2024, but with an option for the GOC to extend for 12 months to 31 March 2025.

We anticipate appointing up to two service providers.

Note: This service is a legal service. Applicants must be able to demonstrate that they (or their organisation/team) possess the appropriate legal qualifications/authorisation to permit them to provide legal services. The service is governed by the Opticians Act 1989 (<https://www.legislation.gov.uk/ukpga/1989/44/contents>) and by the Legal Services Act 2007 (<https://www.legislation.gov.uk/ukpga/2007/29/contents>).

2. Service Requirements

The requirements of the service are:

- conduct of investigative work on the GOC's behalf in relation to fitness to practise allegations relating to registered opticians and optical businesses
- preparation for, and presentation of, the GOC's case at substantive Fitness to Practise Committee hearings
- occasional preparation for, and presentation of the GOC's case at non-substantive hearings (interim order applications/reviews/extensions, substantive order reviews) and Registration Appeal Committee hearings
- provision of advice relating to the conduct of individual investigations into the fitness to practise of GOC registrants, and relating to interpretation of GOC legislation and rules
- provision of training to Committee members, Case Examiners and GOC staff.

Note: Fitness to Practise Committee in-person hearings are held in London.

3. Indicative Timetable (may change)

31 December 2021 (17:00)	Expressions of interest closing date
7 January 2022	Invitations to tender sent out
4 February 2022	Closing date for full tenders
w/c 7 February 2022	Presentations to GOC (if required)
21 February 2022	Notification of Tender Decisions
4 March 2022	End of Standstill Period and award(s) announced
1 April 2022	Contracts commence
1 April 2022	Publication of Contract Award Notice

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4. Assessment Criteria (Expression of Interest stage only)

Expressions of Interest will be assessed against the following criteria:

- A. Evidence of a very good knowledge and understanding of professional regulation/discipline.

(Part A is a PASS/FAIL criterion – where no relevant evidence is provided, those applications will fail and will not be assessed further. Applications that pass will be assessed up to 50% of the available maximum score).

Applications that pass stage A will then be further assessed against the following criteria:

- B. Previous experience of having provided legal services to one or more professional regulators; (30%)
- C. Evidence of previous experience of providing advocacy services at fitness to practise hearings (15%)
- D. Evidence of having delivered professional regulation/discipline training in a legal or regulatory setting (5%)

You should therefore ensure that your Expression of Interest addresses these criteria.

5. Expression of Interest

Before applying, please ensure you are familiar with the fitness to practise function of the General Optical Council:

https://www.optical.org/en/Investigating_complaints/index.cfm

We invite any interested potential supplier to lodge an expression of interest (no more than the equivalent of 3 sides of A4 in length), setting out why you should be given an opportunity to tender in full.

Expressions of Interest **must** be submitted via the electronic postbox facility at: www.mytenders.co.uk. Expressions of Interest that are submitted in any other way will be disregarded.

Should you have any questions regarding this invitation please ask them via the facility at www.mytenders.co.uk

The closing date for submitting an expression of interest is Friday 31 December 2021 (17:00).

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