



Disclosure Policy

Disclosure Policy – outlines our approach to disclosing personal information and our approach to publishing information

1.	Our general approach to publication and disclosure	1
2.	Information from other organisations	3
3.	Disclosure within the Fitness to Practise (FTP) process	3
4.	The GOC Register	11
5.	Letter of Good Standing / Certificate of Professional Status	12
6.	Redaction	12
7.	Internet Search Engines	12

1. Our general approach to publication and disclosure

- 1.1 We seek to regulate in an open, transparent, and proportionate manner – this applies to all of our statutory functions. This policy outlines our approach to routine publication and disclosure of our information.
- 1.2 We disclose information in accordance with our statutory disclosure duties as set out within the Optician's Act 1989 s.13C(3) whereby:

'The Council may disclose to any person any information relating to –

 - a) A registered optometrist's or registered dispensing optician's fitness to practise.
 - b) A business registrant's fitness to carry on business as an optometrist or a dispensing optician, or to carry on both businesses; or
 - c) A student registrant's fitness to undertake training, which they consider to be in the public interest to disclose.'
- 1.3 We are also subject to a range of other legislative duties such as (but not limited to) the UK GDPR and Data Protection Act 2018 (DPA 2018), Freedom of Information Act 2000 (FOIA), the Human Rights Act 1998, and the Public Interest Disclosure Act 1998 (PIDA).
- 1.4 In general, we consider something to be in the public interest if it may benefit the wider community. In assessing the public interest, we will consider all relevant factors, including the number of people affected, their age and/or vulnerability, any wider impact on health and safety, and the administration of justice. The public interest might also require us to make a disclosure to the NHS, the Disclosure and Barring Services, the police, social services, other regulators, and the Secretary of State for Health.
- 1.5 Disclosure under public interest applies to both personal and commercial information.
- 1.6 The publication of (Fitness to Practise) FTP information provides valuable information about standards expected of our registrants, helps to maintain public confidence in the professions we regulate, and assists the public to make informed choices. However, the publication must be proportionate and must take account of the interests of registrants and others involved in the process. For example, we do not routinely publish information about FTP investigations prior to the FTP Committee stage.

Publication Scheme

- 1.7 We routinely publish and make available certain information – which is explained within our Publication Scheme. For further information, please refer to our Freedom of Information Policy.

Disclosure of GOC employees and members' names

- 1.8 We publish the names of senior management, members, and some contractors working on our behalf. We may disclose the names of other employees if this is in the public interest.
- 1.9 The names of our Case Examiners are published on the GOC website. We will not routinely publish any information about individual Case Examiners involved in a specific case, but we may disclose this information if we consider it to be in the public interest.

2. Information from other organisations

- 2.1 We do not normally disclose information about decisions by other statutory bodies or organisations, for example, the Disclosure and Barring Services. Requests for this information should be directed to the responsible organisation.

3. Disclosure within the Fitness to Practise (FTP) process

- 3.1 This section outlines the routine disclosures we make as part of our FTP process. Any requests which fall outside of the below will be considered on a case-by-case basis and in accordance with this policy.
- 3.2 A FTP investigation includes the:
 - 3.2.1 initial investigation by the Registrar (delegated to the Executive);
 - 3.2.2 consideration of the allegation by the Case Examiners or Investigation Committee; and
 - 3.2.3 consideration of the allegation by the Fitness to Practise Committee.
- 3.3 We have a statutory duty to notify the Secretary of State for Health that we have opened an FTP investigation¹. In all other circumstances, we apply this policy and make decisions in the public interest².

¹ s.13C(2)a Opticians Act 1989

² In line with s.13C(3) Opticians Act 1989 – power to disclose in the public interest. ⁴ S. 13C(1) Opticians Act 1989

During an open investigation

- 3.4 We have a statutory duty⁴ to notify the registrant that we have received an allegation of impaired FTP. We usually provide the registrant with a copy of the complaint form, redacted as appropriate.
- 3.5 There may be some circumstances where we outline the nature of the allegation rather than provide a copy of the complaint form, for example:
 - 3.5.1 there is an ongoing investigation (NHS or police) which could be jeopardised should the allegation be disclosed;
 - 3.5.2 disclosure could place a person at risk, and we want to ensure there are safeguarding procedures in place;
 - 3.5.3 the complainant has reason to have their identity kept confidential (for example, a whistle-blower); and/or
 - 3.5.4 disclosure would be inappropriate for other reasons, for example, where the case involves several registrants
- 3.6 We will inform the complainant that we have opened an investigation and the name of the registrant(s) we have opened it against.
- 3.7 We have a statutory duty⁴ to notify a registrant's employer of an investigation. If deemed appropriate, we usually provide limited information to:
 - 3.7.1 those by whom a registrant is employed under a contract of employment; and
 - 3.7.2 those by whom the registrant is engaged to provide services, including the provision of locum services.
- 3.8 We will also notify a registrant's employer(s) (using the definitions at 3.7 above) if the registrant is subject to an interim order by the Fitness to Practise Committee.
- 3.9 If issues concerning the investigation are already in the public domain, we may decide in the public interest to confirm publicly that an investigation is continuing and/or the fact of an interim suspension or interim conditions order.
- 3.10 Where a complaint falls under the Public Interest Disclosure Act 1998, we will endeavour to comply with requests for someone's identity to remain confidential, for example through appropriate redaction, unless there is a public protection requirement to disclose, or we are ordered by a court to disclose.
- 3.11 We may adopt the same approach with other witnesses, for example, vulnerable witnesses or where we consider there to be a risk to the witness

through disclosure of their name. It is important for all complainants and witnesses to note that it may be difficult to keep an individual's identity confidential throughout the FTP process.

On conclusion of the investigation

- 3.12 Before an allegation is considered by the Case Examiners / Investigation Committee / Registrar ("preliminary decision makers"), we will disclose to the registrant all documentation or information relevant to the allegation which we intend to place before the preliminary decision makers, in accordance with our Rules³.
- 3.13 Upon receipt of the registrant's representations, (unless we consider it inappropriate) we will disclose these to the complainant and invite written representations. We will disclose the complainant's representations to the registrant but will not invite written representations unless we determine that this is required.
- 3.14 We will only place documents in front of the preliminary decision makers if they have been seen by the registrant - except for Rule 15 cases that do not proceed to a full review, where we will disclose to the registrant (by way of the full case examiners' decision) that an application has been made and rejected.

Outcomes of the Preliminary Decision Makers

- 3.15 We will notify the registrant, complainant, and employers of the outcome of the preliminary decision. We will inform other witnesses whether preliminary decision-makers have closed the case or referred it for an Fitness To Practise Committee hearing.
- 3.16 We will disclose the full preliminary decision only to the registrant, their legal representative, and the complainant.
- 3.17 We will disclose warnings imposed by the preliminary decision makers only to the registrant and the complainant, not to employers or others.

³ Rule 5(3) – ‘unless the registrar considers it inappropriate, the registrar must disclose to the maker of the allegation such representations as are received from the registrant, inviting written comments within a specified period’.

⁷ s.13L(1) Opticians Act 1989

3.18 We will not publish information on our website at any stage prior to consideration by the preliminary decision makers unless an interim order is imposed by the Fitness to Practise Committee.

3.19 We may also notify others where this would be in the public interest.

Interim orders

3.20 Where it is necessary for the protection of the public, in the interests of the registrant, or otherwise in the public interest, we may apply for an interim order. This could mean that a registrant is placed under conditions or suspended while the substantive investigations are ongoing⁷.

3.21 Interim order hearings are held in private. We do not publish notices of new interim order hearings; however, we do publish notices of interim order hearing reviews.

3.22 Where an interim order is imposed, a summary will be published on our website, redacted as appropriate. The order will also be recorded on the public register. The order will remain on the website and the public register for the duration of the order.

3.23 In cases where an interim order of conditions or suspension is imposed, and such an order is reviewed and extended (or varied or replaced with another interim order of conditions or suspension order) the original decision and any subsequent review decisions will be removed from the website and replaced with the more recent decision.

3.24. Where an interim order is imposed and subsequently revoked by the Fitness to Practise Committee the revocation determination will not be published unless the Registrant requests its publication. The Registrant must make this request to the hearings officer at the conclusion of the hearing. The decision will then be published for a period of three months. In the absence of a specific request for publication from the registrant, no information will be published. Concurrently, the previous interim order decision will be removed.

3.25. Where an interim order is in place and subsequently revoked by a Fitness to Practise Committee, the most recent interim order decision will be removed from the website, at the conclusion of the substantive hearing.

Scenario	Past Hearings (website)	Record on register
Interim order imposed (Conditions or Suspension)	The order will remain on the website for the duration of the order	Attached for the duration of the order

Interim order reviewed, varied, or extended (Including varied or replaced with another interim order of conditions or suspension order)	The original decision and any subsequent review decisions will be removed from the website and replaced with the more recent decision, for the duration of the order	The more recent decision will be attached for the duration of the order
Interim order revoked at an interim order hearing	The decision will not be published unless the Registrant specifically requests its publication. If this is the case, the decision will be published for a period of three months.	Not attached
Interim Order is revoked by the Fitness to Practise Committee	The original decision and any subsequent review decisions will be removed from the website, on the conclusion of a substantive hearing.	Not attached
Interim order not imposed	Not published	NA

Cross-disclosure

- 3.25 Some complaints lead to investigations into another registrant's practise. In these cases, we will consider what information to disclose to the other registrant.
- 3.26 We will inform the initial registrant of the proposal to share information and invite representations. We will then consider these representations alongside the public interest and the interests of other registrant(s).

Health assessments

- 3.27 Medical reports prepared following a review of the registrant's medical records or a personal assessment will be disclosed to the preliminary decision makers, the Fitness to Practise Committee, and GOC employees with a defined business requirement (redacted as appropriate).

- 3.28 We will not disclose the registrant's medical records to any third party unless there is a public interest in doing so. Access to medical records will be restricted to employees with a defined business requirement. We will ensure that medical records are stored securely in compliance with the UK GDPR and DPA 2018. Medical records will be returned to the original record holders by secure delivery (or, in the case of copy records, securely destroyed) once the matter or any associated appeal is concluded in accordance with our Retention Schedule.

Performance assessments

- 3.29 Performance assessors will observe the registrant in practise, usually observing their examination of four patients. We will not disclose to the patients that we are investigating the registrant.
- 3.30 The performance assessors' report and associated documents will be disclosed to the preliminary decision makers, the Fitness to Practise Committee, and GOC employees with a defined business requirement (redacted as appropriate).

The Fitness to Practise Committee

- 3.31 The majority of our Fitness to Practise Committee hearings are held in public. Hearings for cases solely involving health are heard in private. Where information regarding a registrant's health is disclosed during any part of a public hearing, this information will be redacted from the determination before it is published.
- 3.32 Some cases involve more than one issue, for example, conduct and health. In these cases, the Fitness to Practise Committee will hear as much as possible of the case in public and may hear sensitive matters, such as those relating to the registrant's health, in private.
- 3.33 Once a decision has been taken to refer an allegation to the Fitness to Practise Committee, we will serve the documentation on the registrant and/or their representative⁴.
- 3.34 We are under a continuing duty to disclose throughout the FTP process. When any new information is received, we consider whether this should be

⁴ Rule 29(1), (6) – (8) of the General Optical Council (Fitness to Practise) Rules of Order of Council 2013

disclosed to the registrant. The presumption will be in favour of disclosure unless there are public interest reasons against disclosure.

- 3.35 We will publish the following information on our website prior to the hearing:

- 3.35.1 the registrant's name;
- 3.35.2 the registrant's registration number;
- 3.35.3 the date of the hearing and where it is due to take place;
- 3.35.4 the names of the Committee, legal adviser and, when applicable, the clinical adviser; and
- 3.35.5 details of the allegation will be redacted in some instances (for example, where they relate to health matters or could identify a witness).

Outcomes of the FTPC

- 3.36 We will notify the registrant, the complainant, and the Professional Standards Authority (PSA) of the Fitness to Practise Committee outcome, along with any relevant organisations or agencies. The outcome will be shared with GOC employees with a defined business requirement.
- 3.37 Our website⁵ displays the determinations (which include the allegation and the outcome) of selected FTP hearings including hearings resolved by the Agreed Panel Disposal. These are removed after 12 months unless the sanction is still in force.
- 3.38 The outcome will be attached to the registrant's entry on the GOC Register where the Fitness to Practise Committee has given a warning or imposed conditional registration or suspension.
- 3.39 Where the outcome of the Fitness to Practise Committee shows no findings (where no impairment is found, no facts are proven, and no warning is issued), we will not publish the decision unless the Registrant requests its publication. The Registrant must make this request to the hearing's officer at the conclusion of the hearing. The decision will then be published for a period of three months. In the absence of a specific request for publication from the registrant, no information will be published.
- 3.40 Where the outcome of the Fitness to Practise Committee is impairment found but no sanction, we will publish this determination for a period of three months.

5

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

3.41 The table below, where applicable, details the length of time hearing determinations will be displayed on the GOC register:

Scenario	Past Hearings (website)	Record on register
Facts not proved	The decision will not be published unless the Registrant specifically requests its publication.	Not attached unless the Registrant specifically requests its publication.
No case to answer		
No misconduct		If this is the case, the decision will be published for a period of 3 months.
No impairment (with no warning)	If this is the case, the decision will be published for a period of 3 months.	
Misconduct and/or Impairment found (Sanction not imposed)	3 months	3 months
No impairment (with warning)	12 months	For the length of the sanction [Maximum period of four years]
Impairment found (with sanction)	12 months	For the length of the sanction
Conditional registration		
Suspension		
Erasure	12 months	Not attached
Fine	12 months	12 months
Substantive Review Hearing Determinations	The original decision and any subsequent review decisions will be removed from the website and replaced with the more recent decision, for the duration of the order	The more recent decision will be attached for the duration of the order

3.42 Where the outcome of a substantive FTP investigation is erasure, suspension, fine, or is of significant public interest, we may issue a press release unless there is a public interest reason not to. The press release will not contain

information such as health or other matters outside of the public interest. The press release will remain on our website for as long as the determination is displayed.

- 3.43 Where the FTP has imposed an order (Conditional registration or Suspension) and ordered a review hearing, the original substantive decision, and any subsequent review decisions will be removed from the website and replaced with the more recent decision, for the duration of the order.
- 3.44 The transcript of a hearing may be requested through the Hearings Manager via Hearings@optical.org. Subject to payment of reasonable costs, we will provide the transcript (redacted as appropriate) of a determination that is on our website.

Registration Appeal Committee

- 3.45 Registration Appeal Committee determinations will be published for 12 months where the appeal is not successful and three months where it is successful, redacted as appropriate.
- 3.46 We will not publish a decision where a student applicant is refused registration. In this case, we will only publish a summary excluding any details of the case.
- 3.47 The GOC may decide that it is in the public interest not to publish Registration Appeal Committee determinations, in these circumstances we will publish a summary from the hearing.

4. GOC Register

- 4.1 We publish a searchable online list of all registered optometrists, dispensing opticians, businesses, and students. This is a fundamental pillar of a regulated profession. It is an important tool for members of the public and employers to identify registrants that are appropriately qualified and fit to practise.
- 4.2 The register will reflect any current FTP sanctions or Fitness to Practise Committee warnings against registrants. It will also provide a link to further information about the sanctions. Information relating to whether the registrant is on any barred list will not be disclosed.
- 4.3 The sanction(s) that a registrant has received will be published on the website and will appear on the online register for the duration of the sanction or for 12 months after a fine or erasure.

5. Letter of Good Standing / Certificate of Professional Status

- 5.1. We are able to provide a Letter of Good Standing / Certification of Current Professional Status to current and previous registrants upon request. An administration fee of £15 is payable to the GOC for current professional status.
- 5.2. With the consent of the registrant, the letter of good standing / certification of Current Professional Status will include name; details of current registration status; and registration history. Registrants will always have the right to withdraw their consent at any time in writing to the GOC.

6. Redaction

- 6.1 We are committed to balancing individual data rights with the publication of information in the public interest and understand that over-redacting can impact on our ability to protect the public.
- 6.2 Some information may need to be redacted from published documents, including determinations on our website. For example, the names of all witnesses (other than expert witnesses) will normally be redacted unless the public interest requires publication.
- 6.3 We will redact sensitive or special category information from medical records unless it is relevant to matters that are the subject of our proceedings.
- 6.4 For more information about how we undertake redaction, please contact the Information Governance Officer.

7. Internet search engines

- 7.1 Publications are removed from our website in accordance with this policy, however many internet search engines, such as Google, manage information by 'caching'. This involves storing a snapshot of a webpage in a database and then refreshing the snapshot periodically. This means that historical GOC webpages may remain available on internet search engines after they have been removed from our website. In these cases, the individual must contact the internet search engine directly as we have no control over their caches.