

GOC consultation document on COVID-19 statements

Overview

This consultation seeks views on how the GOC can continue to support our registrants and the optical sector throughout the COVID-19 pandemic as different parts of the UK experience local and potentially national restrictions now and in the future.

In particular, we would like your views on:

- a proposed framework for when our existing COVID-19 statements should apply going forwards, linked to <u>The College of Optometrists' red/amber/green</u> classification system;
- the content and impact of our existing COVID-19 statements; and
- whether there are further areas of GOC regulations, legislation or guidance that need to change or be put in place to ensure more effective regulation in the future, either during a pandemic or as a result of the pandemic.

All current statements will remain in place pending the outcome of this consultation and review dates have therefore been extended to 31 January 2021 (except for the CET provision statement which has been extended to 31 December 2021).

Why we are consulting

During the COVID-19 emergency, we realised that some of our legislation and regulations may have prevented care being delivered effectively during a pandemic, particularly remote care, which was an important part of keeping infection rates low and reducing risk to patients.

We were also being asked specific questions regarding how our standards and legislation applied to practice during the emergency. To help support registrants, we published a series of statements aimed at removing unnecessary regulatory barriers, clarifying certain areas of practice and bolstering the guidance we normally give on our <u>standards</u> for optometrists, dispensing opticians, students and optical businesses.

Some key areas covered were remote care delivery and infection prevention and control. We also sought to reassure our registrants and the sector that we would support them when they acted in good conscience and exercised professional judgement for the public benefit.

Due to the need to implement change quickly, we were only able to consult a small number of key stakeholders in the optical sector and healthcare commissioners prior to implementation.

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Their contributions and feedback were invaluable but we acknowledge the importance of seeking a wider range of views from our registrants, patients and the public in developing our regulatory processes and policies, and now propose to undertake a full public consultation on these statements to:

- ensure they remain effective; and
- determine how they should apply in different phases of the current or any future pandemic.

We are also interested in whether some of these statements should become more general regulatory policy, independent of COVID-19, and in some cases whether changes should be made to our legislation.

Consequently, we feel that now is the right time to seek wider views on:

- the content of our COVID-19 statements;
- when the statements should apply during different phases of the COVID-19 pandemic;
- the impact and effectiveness of our COVID-19 statements; and
- the impact of securing emergency legal powers to more effectively deal with pandemics and similar emergencies in the future.

The public consultation will last for a period of 12 weeks.

Framework for classification of COVID-19 statements and call for evidence on future legal powers

In order to consider when the statements should apply during the current COVID-19 pandemic we have set out a proposed framework based on The College of Optometrists' red/amber/green classification system. These are as follows:

- Red: statement applies when an area is within the 'red' phase of The College of Optometrists' classification system this will
 only apply to a (national or local) lockdown when only urgent or emergency and essential eye care may be delivered face to
 face, subject to local protocols;
- Amber: statement applies when an area is within the 'amber' phase of The College of Optometrists' classification system this will only apply when an area is not in lockdown when patients may be seen on a needs and symptoms led basis as determined by a clinician (whether asymptomatic patients can be seen will depend upon capacity and local protocols); and
- Green: statement applies when an area is within the 'green' phase of The College of Optometrists' classification system this will only apply when practices return to all eye care on an open access basis.

Statement	Category	Proposed phase in which it applies		n which	Rationale	Future change in legislation
GOC/COVID/01: GOC statement on education provision and approach to quality assurance activity during the COVID- 19 emergency	Change to internal process	Red	Amber	Green	This statement applies for all phases of the pandemic as the impact on the education sector and our quality assurance processes will continue for some time.	We do not consider there to be a need to extend or change our current legal powers.
GOC/COVID/02: GOC statement on supply of spectacles and contact lenses	Easement of current legal requirements	Red	Amber		This statement is required for the red and amber phases of the pandemic, as even in the amber phase some patients may still be	We do not consider there to be a need to extend or change our current legal powers.

Statement	Category	Propose it applies	d phase ir	n which	Rationale	Future change in legislation
during COVID-19 emergency					shielding. This requires professional judgement to be applied.	
GOC/COVID/03: GOC statement on contact lens aftercare during COVID-19 emergency	Explanation of current legal requirements	Red	Amber	Green	This statement is relevant for all phases of the pandemic as it explains what our current legal framework already allows in terms of aftercare delivery.	We do not consider there to be a need to extend or change our current legal powers.
GOC/COVID/05: GOC statement on our approach in fitness to practise for the service of documents and facilitating hearings during the COVID-19 emergency	Change to GOC regulatory process	Red	Amber	Green	This statement will be required through all phases of the pandemic to support effective and timely delivery of fitness to practise processes.	We are currently in discussion with the Department of Health and Social Care to underpin this statement with emergency legal powers that: • allow fitness to practise notices to be served by email; • clarify that hearing 'venue' includes audio and/or video-conferencing details; and • enable the Hearings Manager to postpone or adjourn hearings. We also believe that further powers relating to the size and composition of fitness to

Statement	Category	Propose it applies	d phase ir	n which	Rationale	Future change in legislation
						practise committees are required, on a permanent basis to be able to effectively deal with emergencies. This would align us with other healthcare regulators, including the General Medical Council (GMC) and Nursing and Midwifery Council (NMC) by having the option to convene fitness to practise committees of not less than three members with a quorum of two members (one lay and one registrant) for substantive hearings.
GOC/COVID/06: GOC statement on Continuing Education and Training (CET) during COVID-19 emergency	Change to GOC regulatory process	Red	Amber	Green	This statement applies regardless of which phase of the pandemic we are in — it is a statement of fact to confirm our decision to remove the six-point annual expectation for 2020.	We do not consider there to be a need to extend or change our current legal powers.
GOC/COVID/07: GOC statement on optometrists,	Explanation of current legal requirements	Red	Amber	Green	This statement applies in all phases of the pandemic supporting our registrants	No changes to legal powers are needed for registrants to work in different settings.

Statement	Category	Proposed phase in which it applies		n which	Rationale	Future change in legislation
dispensing opticians and students working in different settings during the COVID- 19 emergency					to work in different settings where necessary or to support a career change. It explains what registrants are already able to do under existing legal framework.	We plan to make this a permanent GOC policy position independent of the COVID-19 emergency and are seeking views on this.
GOC/COVID/08: GOC statement for CET providers on CET provision during the COVID- 19 emergency	Change to GOC regulatory process	Red	Amber	Green	This statement applies in all phases of the pandemic and potentially beyond. There is a move toward more online CET provision in the current climate and we feel it is appropriate to support that given social distancing advice is likely to continue for some time.	We do not consider there to be a need to extend or change our current legal powers. We propose that this statement applies until the end of the current CET cycle on 31 December 2021.
GOC/COVID/09: GOC statement on verification of contact lens specifications during COVID-19 emergency	Easement to current legal requirements	Red			We propose that subject to the outcome of this consultation, this statement will apply in the red phase of the pandemic only. This is because it is linked to accessibility of information from optical practices, which may not	We do not consider there to be a need to extend or change our current legal powers but we will consider this area further in the future.

Statement	Category	Proposed phase in which it applies		n which	Rationale	Future change in legislation
					be available during the red phase. Our understanding is that the vast majority of optical practices are now open during the amber phase, so this statement is not necessary in the current environment.	
GOC/COVID/10: GOC statement on re-opening optical practices during COVID-19 emergency	Explanation of position at the time				This statement was a clarification at a point in time. The situation in all parts of the UK has moved on and therefore this statement no longer applies.	We do not consider there to be a need to extend our legal powers in this area.
GOC/COVID/11: GOC statement on infection prevention and control during COVID-19 emergency	Explanation of required standards	Red	Amber	Green	This statement is supplemental guidance to our Standards of Practice for Optometrists and Dispensing Opticians, Standards for Optical Students and Standards for Optical Businesses. It is applicable throughout all phases of the pandemic as infection prevention and	We do not consider there to be a need to extend our legal powers in this area. We plan to make this a permanent GOC policy position independent of the COVID-19 emergency and are seeking views on this.

Statement	Category	Proposed phase in which it applies		n which	Rationale	Future change in legislation
					control is required as part of our standards of practice.	
GOC/COVID/12: Redeployment of optometrists or dispensing opticians within pharmacy practice	Explanation	Red	Amber	Green	This statement applies in all phases of the pandemic supporting our registrants to work in different settings where necessary to support professional colleagues. It clarifies what registrants are already able to do under existing legal framework.	We do not consider there to be a need to extend or change our current legal powers.
GOC/COVID/13: GOC statement on use of technology during COVID-19 emergency	Explanation of current legal requirements	Red	Amber	Green	This statement applies in all phases of the pandemic as it sets out current legislative process.	We do not consider there to be a need to extend or change our current legal powers. We plan to make this a permanent GOC policy position independent of the COVID-19 emergency and are seeking views on this.
GOC/COVID/14: GOC statement on service of registration notices	Change to GOC regulatory process	Red	Amber	Green	This statement applies in all phases of the pandemic as the impact on our	We are currently in discussion with the Department of Health and Social Care to underpin this statement with emergency legal

Statement	Category	Proposed phase in which it applies	Rationale	Future change in legislation
during the COVID- 19 emergency			Registration team is likely to continue for some time.	powers that allow service of registration notices by email. This will allow more flexible methods of service of notices, especially during a pandemic situation where it is important to isolate.

Part 1: Framework for COVID-19 statements

We intend to use a framework that aligns with <u>The College of Optometrists'</u> <u>red/amber/green classification system</u>, whereby we will clearly indicate for each individual COVID-19 statement when the statement will apply. These are as follows:

- Red: statement applies when an area is within the 'red' phase of The College
 of Optometrists' classification system this will only apply to a (national or
 local) lockdown when only urgent or emergency and essential eye care may
 be delivered face to face, subject to local protocols;
- Amber: statement applies when an area is within the 'amber' phase of The College of Optometrists' classification system – this will only apply when an area is not in lockdown and when patients may be seen on a needs and symptoms led basis as determined by a clinician (whether asymptomatic patients can be seen will depend upon capacity and local protocols); and
- **Green**: statement applies when an area is within the 'green' phase of The College of Optometrists' classification system this will only apply when practices return to all eye care on an open access basis.

Question 1: Do you agree that it is appropriate to align our COVID-19 statement framework with The College of Optometrists' red/amber/green classification system?

- Yes
- No
- Don't know

If you answered 'no', please explain why.

Part 2: Content and impact of COVID-19 statements

Section 2.1: GOC statement on education provision and approach to quality assurance activity during the COVID-19 emergency (GOC/COVID/01)

Purpose	This statement sets out how we have responded to questions from education providers about changes to education delivery and the changes we have made to our quality assurance activity of GOC-approved education during the COVID-19 emergency.				
Link to document		OC statement on educ assurance activity dur	•		
Categorisation	Red	Amber	Green		
Rationale	This statement applies for all phases of the pandemic as the impact on the education sector and our quality assurance processes will continue for some time.				
Consultation questions	Question 2: In the event of a similar emergency situation, should we apply the principles outlined in this statement again? • Yes • No • Don't know If you answered 'no', please explain why.				
	education providers	as been the impact of , b) students, c) busing nts and the public, and	ess registrants /		
	Positive impactNo impactNegative impa	 Very positive impact Positive impact No impact Negative impact Very negative impact 			
	Please provide deta evidence where pos	ills of any impacts and ssible.	include examples or		

Section 2.2: GOC statement on supply of spectacles and contact lenses during COVID-19 emergency (GOC/COVID/02)

Purpose	This statement encourages use of professional judgement to allow supply of spectacles and contact lenses against an expired spectacle prescription / contact lens specification when considering the risk of requiring the patient to attend a practice during the COVID-19 emergency.				
Link to document	GOC/COVID/02: GOC statement contact lenses during COVID-19				
Categorisation	Red	Amber			
Rationale	This statement is required for the red and amber phases of the pandemic, as even in the amber phase some patients may still be shielding. This requires professional judgement to be applied.				
Consultation questions	Question 4: Do you agree with to Yes No Don't know If you answered 'no', please exp Question 5: Do you agree with to should only apply to the red and pandemic? Yes No Don't know If you answered 'no', please exp Question 6: What has been the optometrists and dispensing oper / employers, c) patients and the groups? Very positive impact No impact No impact No impact No you agree with to you	plain why. Our view that this statement of amber phases of the olain why. Impact of this statement on a) ticians, b) business registrants public, and d) any other			

Section 2.3: GOC statement on contact lens aftercare during COVID-19 emergency (GOC/COVID/03)

Purpose	This statement sets out the legal position in relation to the provision of contact lens aftercare and advice for registrants on how to exercise their professional judgement during the COVID-19 emergency.				
Link to document	GOC/COVID/03: GO during COVID-19 er	OC statement on conta	act lens aftercare		
Categorisation	Red	Amber	Green		
Rationale		levant to all phases of urrent legal framework s aftercare delivery.	•		
Consultation questions	 Question 7: Do you agree with the content of this statement? Yes No Don't know If you answered 'no', please explain why. Question 8: Do you agree with our view that this statement should continue to apply in all phases of the pandemic? 				
	YesNoDon't knowIf you answered 'no	', please explain why.			
	Question 9: What has been the impact of this statement on a) optometrists and dispensing opticians, b) business registrants / employers, c) patients and the public, and d) any other groups?				
	 Very positive impact Positive impact No impact Negative impact Very negative impact Don't know Please provide details of any impacts and include examples or				
	evidence where pos		molude examples of		

Section 2.4: GOC statement on our approach in fitness to practise for the service of documents and facilitating hearings during the COVID-19 emergency (GOC/COVID/05)

Purpose	This statement sets out our approach for the service of notifications and notices in fitness to practise proceedings and the holding of fitness to practise hearings during the COVID-19 emergency.				
Link to document		OC statement on our a rice of documents and 9 emergency			
Categorisation	Red	Amber	Green		
Rationale		be required through al t effective and timely o	•		
Consultation questions	 Yes No Don't know If you answered 'no Question 11: Do yo should continue to a yes No Don't know If you answered 'no Question 12: What optometrists and distriction of the participants in the firest optometrists optometrists and distriction optometrists. Very positive impact optometrists optometrists optometrists and distriction optometrists. No impact optometrists optometrists optometrists optometrists optometrists. No impact optometrists optometrists optometrists optometrists optometrists. No impact optometrists optometrists optometrists optometrists. No impact optometrists optometrists optometrists. No impact optometrists optometrists optometrists optometrists. 	et act impact iils of any impacts and	that this statement he pandemic? of this statement on a) business registrants and d) other ess?		
Legislative change	We are currently in and Social Care to legal powers that:	discussion with the Deunderpin this statement	nt with emergency		

- clarify that hearing 'venue' includes audio and/or videoconferencing details; and
- enable the Hearings Manager to postpone or adjourn hearings.

We also believe that further powers relating to the size and composition of fitness to practise committees for substantive hearings are required on a permanent basis to be able to effectively deal with emergencies. This would align us with other healthcare regulators, including the GMC and NMC, by having the option to convene fitness to practise committees of not less than three members with a quorum of two members (one lay and one registrant) for substantive hearings.

The Department of Health and Social Care has been in discussion with us about securing these powers as part of emergency legislation.

We are interested to understand any impacts that may result from obtaining and implementing these powers.

Further consultation questions

Question 13: We are currently in discussion with the Department of Health and Social Care to underpin this statement with emergency legal powers that:

- allow fitness to practise notices to be served by email;
- clarify that hearing 'venue' includes audio and/or videoconferencing details; and
- enable the Hearings Manager to postpone or adjourn hearings.

What would be the impact of the GOC securing these powers?

- Very positive impact
- Positive impact
- No impact
- Negative impact
- Very negative impact
- Don't know

Please supply any evidence or reasoning to support this.

Question 14: Should the GOC have further powers to start substantive hearings with three Fitness to Practise Committee members (rather than five as we currently do)?

- Yes
- No
- Don't know

Please give reasons.

Question 15: We currently have to start substantive fitness to practise hearings with five committee members. What would be the impact of the GOC securing the powers to start

substantive fitness to practise hearings with three committee members?

- Very positive impact
- Positive impact
- No impact
- Negative impact
 Very negative impact
- Don't know

Please supply any evidence or reasoning to support this.

Section 2.5: GOC statement on Continuing Education and Training (CET) during the COVID-19 emergency (GOC/COVID/06)

Purpose	This statement confirmed our decision to remove the six-point annual expectation for 2020 for registrants completing CET.				
Link to document		OC statement on Contig COVID-19 emergen	_		
Categorisation	Red	Amber	Green		
Rationale	to remove the six-po	statement of fact to co int annual expectation pardless of which phas	for 2020. It		
Consultation questions	 Yes No Don't know If you answered 'no'. Question 17: What hoptometrists and displayers, c) CET e) any other groups? Very positive in Positive impact No impact Negative impact Very negative in Don't know Please provide detail evidence where possitive in positive in Don't know Please provide detail evidence where possitive in point expectation for coverall requirements for 20 to overall requirements for 20 to overall	npact ct mpact Is of any impacts and	this statement on a) business registrants and the public, and include examples or fers sufficient verall CET nding to reduce the ve the annual six- CET scheme		

Section 2.6: GOC statement on optometrists, dispensing opticians and students working in different settings during the COVID-19 emergency (GOC/COVID/07)

Purpose	This statement sets out advice for registrants on the factors they should take into account when working in different settings during the COVID-19 emergency.			
Link to document	GOC/COVID/07: GOC statement on optometrists, dispensing opticians and students working in different settings during the COVID-19 emergency			
Categorisation	Red Amber Green			
Rationale	This statement applies in all phases of the pandemic and supports our registrants to work in different settings where necessary or to support a career change. It explains what registrants are already able to do under the existing legal framework.			
Consultation questions				
	Don't know Please provide details of any impacts and include examples or evidence where possible.			

Question 22: Should this statement become a permanent GOC policy position independent of the COVID-19 emergency?

- Yes
- No
- Don't know

If you answered 'no', please explain why.

Section 2.7: GOC statement for CET providers on CET provision during the COVID-19 emergency (GOC/COVID/08)

Purpose	This statement confirms which approved CET activities can be carried out remotely, standards that must be applied and changes to requirements during the COVID-19 emergency.				
Link to document	GOC/COVID/08: GOC statement for CET providers on CET provision during the COVID-19 emergency				
Categorisation	Red Amber Green				
Rationale	This statement applies in all phases of the pandemic and potentially beyond. There is a move toward more online CET provision in the current climate and we feel it is appropriate to support that given social distancing advice is likely to continue for some time.				
Consultation questions	support that given social distancing advice is likely to continue				

Please provide details of any impacts and include examples or
evidence where possible.

Section 2.8: GOC statement on verification of contact lens specifications during the COVID-19 emergency (GOC/COVID/09)

Purpose	This statement relaxes enforcement of our legislation and allows a registrant to supply contact lenses without verification of the contact lens specification during the COVID-19 emergency where attempts to verify have not been successful and they have used their professional judgement.		
Link to document	GOC/COVID/09: GOC statement on verification of contact lens specifications during COVID-19 emergency		
Categorisation	Red		
Rationale	We propose that subject to the outcome of this consultation , this statement will apply in the red phase of the pandemic only. This is because it is linked to accessibility of information from optical practices, which may not be available during the red phase. Our understanding is that the vast majority of optical practices are now open during the amber phase, so this statement is not necessary in the current environment.		
Consultation questions	Question 27: Do you agree with the content of this statement? • Yes • No • Don't know If you answered 'no', please explain why. Question 28: Do you agree with our view that this statement should continue to apply in only the red phase of the pandemic? • Yes • No • Don't know If you answered 'no', please explain why. Question 29: What has been the impact of this statement on a) optometrists and dispensing opticians, b) business registrants / employers, c) patients and the public, and d) any other groups? • Very positive impact • Positive impact • No impact • Negative impact		

Please provide details of any impacts and include examples or evidence where possible.

Section 2.9: GOC statement on infection prevention and control during the COVID-19 emergency (GOC/COVID/11)

Purpose	This statement sets out the factors that registrants should take into account when considering infection prevention and control during the COVID-19 emergency.				
Link to document	GOC/COVID/11: GOC statement on infection prevention and control during COVID-19 emergency				
Categorisation	Red Amber Green				
Rationale	This statement is supplemental guidance to our <i>Standards of Practice for Optometrists and Dispensing Opticians</i> , <i>Standards for Optical Students</i> and <i>Standards for Optical Businesses</i> . It is applicable throughout all phases of the pandemic as infection prevention and control is required as part of our standards of practice.				
Consultation questions					

YesNoDon't know
If you answered 'no', please explain why.

Section 2.10: Joint GOC / General Pharmaceutical Council (GPhC) statement on redeployment of optometrists or dispensing opticians within pharmacy practice during the COVID-19 emergency (GOC/COVID/12)

Purpose	This statement describes how optical professionals might be utilised to support the delivery of pharmacy services, to relieve pressures on the pharmacy workforce due to the COVID-19 emergency and to provide a platform for future interdisciplinary interaction and support, post COVID-19.		
Link to document	GOC/COVID/12: Redeployment of optometrists or dispensing opticians within pharmacy practice		
Categorisation	Red	Amber	Green
Rationale	This statement applies in all phases of the pandemic supporting our registrants to work in different settings where necessary to support professional colleagues. It clarifies what registrants are already able to do under the existing legal framework.		
Consultation questions	registrants are already able to do under the existing legal		

Section 2.11: GOC statement on use of technology during the COVID-19 emergency (GOC/COVID/13)

Purpose	This statement sets out the legal position in respect of the use of technology by registrants.			
Link to document	GOC/COVID/13: GOC statement on use of technology during COVID-19 emergency			
Categorisation	Red Amber Green			
Rationale	This statement applies in all phases of the pandemic as it clarifies what registrants are already able to do under the existing legal framework.			
Consultation questions	This statement applies in all phases of the pandemic as it clarifies what registrants are already able to do under the			

Section 2.12: GOC statement on service of registration notifications during the COVID-19 emergency (GOC/COVID/14)

Purpose	This statement sets out our move to a process of serving registration notifications and other communications electronically during the COVID-19 emergency.			
Link to document	GOC/COVID/14: GOC statement on service of registration notices during the COVID-19 emergency			
Categorisation	Red Amber Green			
Rationale	This statement applies in all phases of the pandemic, as the impact on our Registration team is likely to continue for some time.			
Consultation questions	impact on our Registration team is likely to continue for some			

- Very positive impact
- Positive impact
- No impact
- Negative impact
- Very negative impact
- Don't know

Please supply any evidence or reasoning to support this.

Part 3: Learning from our response to COVID-19

Question 45: Are there any other areas that the sector requires specific guidance on or any legislative changes to support care during the COVID-19 pandemic or any future similar pandemics/emergencies?

- Yes
- No.
- Don't know

If you answered 'yes', please give further details.

Question 46: The main route we have used in supporting registrants through the COVID-19 pandemic is signposting to guidance and production of our COVID-19 statements. Do you feel our approach to supporting registrants during COVID-19 has been effective?

- Yes
- No
- Don't know

Please explain why.

Question 47: Do you have any other comments relevant to our draft impact assessment?

- Yes
- No

If you answered 'yes', please give further details.

(NB Our draft impact assessment is available on the overview page of our consultation hub – see bottom of the page.)

Please go to our <u>consultation hub</u> to complete the online questionnaire. You do not have to answer all of the questions if you do not wish to do so.