

## Consultation document:

### Continuing Education and Training (CET) exceptions policy

#### 1. Overview

Continuing Education and Training (CET) is a statutory requirement for all fully-qualified optometrists and dispensing opticians. All fully-qualified registrants must earn a minimum number of CET points and meet a minimum set of requirements by the end of each cycle to stay on the register.

Our [CET Rules](#) provide that *“the Registrar may remove or refuse to retain (a) the name of a registrant or (b) particulars of a registered specialty, if the registrant has failed to meet the CET requirements under the Rules”*. Although the CET requirements are mandatory for all registrants, the Registrar has discretion to decide whether to remove or refuse to retain a registrant, or to decide not to do so. We consider that this discretion should be exercised fairly and consistently, and therefore introduced the [Exceptional circumstances in completing CET requirements](#) policy in 2015 to outline how this would be achieved. The current policy advises that in exercising their discretion as to whether to remove or refuse to retain a registrant, the Registrar will consider exceptional circumstances that are unforeseen or are over and above everyday experiences, resulting in a registrant being unable to practise and therefore unable to undertake CET.

The policy represents a reasonable means to identify the circumstances in which the discretion of the Registrar may be exercised which balances fairness for registrants with the need for public protection. As with all GOC decisions, we act in a way that supports the GOC’s statutory obligations, is consistent, and follows a fair process.

We have used the policy on two occasions since its inception – at the end of the 2013-15 and 2016-18 CET cycles. We have considered the learning from the application of the policy and reviewed it to ensure that it continues to be fair to registrants while ensuring our overarching objective of protecting the public.

We have made some updates to the policy (available on our [consultation hub](#) in the ‘related’ section at the end of the page), which are outlined in further detail in the next section. These updates can be summarised as follows:

- shifting the focus from the exceptionality of the circumstances of the registrant to emphasise public protection;
- increased transparency in the decision-making process;
- expectations around maternity, paternity and adoption leave; and

- removing the restriction that only those registrants whose exceptional circumstances had resulted in them being unable to practise could be considered under the policy.

We have also produced an impact assessment (which is included on our [consultation hub](#) in the 'related' section at the end of the page).

## **2. Why we are consulting**

We consider that the updated policy will be fairer to registrants by increasing transparency about the decision-making process and will better protect the public by more clearly setting out our focus on our overriding objective. We are interested in stakeholders' views on these amendments before we finalise the updated policy ahead of the end of the 2019-21 CET cycle.

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

## **3. Proposed updates to the policy**

In this section we outline the proposed updates to the policy.

### **3.1 Shift in focus from registrant circumstances to public protection**

We have updated the policy to shift the focus from the registrant's circumstances to the GOC's overriding objective of public protection so that it more clearly demonstrates our focus on public protection. This is because there may be circumstances where the registrant's circumstances are truly exceptional in nature, but their CET shortfall is so significant that it would not be in the public interest to retain them on the register, and we wanted to be clearer about this. The amendments include:

- a change of name to 'CET exceptions policy' to focus attention to the exception to CET rather than the exceptionality of the circumstances of the registrant;
- revised introductory paragraphs to emphasise public protection; and
- removing the list of exceptional circumstances, instead giving examples of case studies based on actual cases (see section 5).

### **3.2 Transparency in decision-making process**

We have also updated the list of factors to be taken into account by the Registrar, which we think will increase transparency around our decision-making process (see section 4.2). We have expanded the application form to cover these factors, which will make it easier for potential applicants to provide us with all the information that will be considered by the Registrar and for us to process applications (see the annex).

### **3.3 Maternity, paternity and adoption leave**

Since the current policy was introduced, we have taken account of the number of applications that involved maternity, paternity and adoption leave, and have addressed this in more detail (see section 4.3), setting out our minimum expectations in this area (e.g. the equivalent of at least one point per month that they have been on the register during the cycle and not on maternity, paternity or adoption leave). We consider that these expectations balance fairness to the registrant against public protection.

### **3.4 Restrictions around ability to practise**

The current policy restricted consideration of exceptional circumstances to those which had resulted in the registrant being unable to practise. We consider that this aspect of the policy was unnecessarily restrictive and instead of it being an absolute requirement, the fact of whether or not a registrant could work during the exceptional circumstances is now *one* of the factors to be considered, rather than the focus. Part of the reason for this is that it could be argued that a registrant who is working is more likely to be maintaining their skills and keeping up to date by virtue of them practising, even if they are not completing CET at the same time. We consider that this amendment is fairer to the registrant while maintaining focus on public protection.

### **Questions**

**1. To what extent do you agree that the updated policy achieves our aim of appropriately balancing fairness to registrants while maintaining the focus on public protection?**

a) Strongly agree b) Agree c) Neither agree nor disagree d) Disagree e) Strongly disagree

If you answered 'disagree' or 'strongly disagree', please explain your reasons.

**2. To what extent do you agree that our expectations for registrants on maternity, paternity or adoption leave sufficiently protect the public?**

a) Strongly agree b) Agree c) Neither agree nor disagree d) Disagree e) Strongly disagree

If you answered 'disagree' or 'strongly disagree', please explain your reasons.

**3. Is there anything unclear or missing in the updated policy?**

a) Yes b) No c) Not sure

If you answered 'yes', please give details.

**4. Are there any aspects of the guidance that could discriminate against stakeholders with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.)**

a) Yes b) No c) Not sure

If you answered 'yes', please give details.

**5. Are there any aspects of the guidance that could have a positive impact on stakeholders with specific characteristics? (Please consider age, sex, race, religion or belief, disability, sexual orientation, gender reassignment, pregnancy or maternity, caring responsibilities or any other characteristics.)**

a) Yes b) No c) Not sure

If you answered 'yes', please give details.

**6. Are there any other impacts of the updated policy that you would like to tell us about?**

a) Yes b) No c) Not sure

If you answered 'yes', please give details.