

Consultation to remove reference to a registrant's gender on the public register

Section one

Overview

- 1.1 The General Optical Council (GOC) is the regulator for the optical professions in the United Kingdom (UK). We currently register around 33,000 optometrists, dispensing opticians, students and optical businesses.
- 1.2 We have four core functions:
- setting standards for optical education and training, performance and conduct;
 - 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 business as optometrists or dispensing opticians; and
 - investigating and acting where registrants' fitness to practise, train or carry on business may be impaired.
- 1.3 This single-issue consultation relates to the third function and proposes that we should remove information about a registrant's gender from the public register.

Why we are consulting now

- 1.4 Our specific proposal to remove information about a registrant's gender from the public register follows the outcome of our [consultation](#) on a draft policy to support registrants who wish to update information about their gender on our register. Some respondents to this consultation, including the Professional Standards Authority (PSA), questioned why we provide information on gender on the register at all.

The consultation

- 1.5 We would like to hear your views on the issues described in section two of this consultation paper, and our draft assessment of impact and cost benefit analysis.
- 1.6 The consultation will last for a period of 12 weeks closing on 22 December.

Section two

Removing reference to a registrant's gender on the public register

- 1.1 As part of our statutory duty to maintain and publish a register of all those who are fit to practise, we publish certain information about our registrants, which currently includes their gender. Section 11(2) of the Opticians Act 1989 and rule 21 of the [Registration Rules 2005](#) set out the information that we must publish on our register. These do not include a specific requirement to publish a registrant's sex or gender.
- 1.2 Between December 2022 and March 2023, we ran a public consultation on a draft policy to support registrants who wish to update information about their gender on our register and ensure compliance with the [Gender Recognition Act 2004](#) (GRA) and the [Equality Act 2010](#). Our response to that consultation is being published alongside the issue of this consultation and the new policy is being put into operation.
- 1.3 Some stakeholders responding to this consultation questioned why we provide information on gender on the register at all. In its response, the PSA reiterated its policy that regulators should continue in the trajectory of keeping a pared down approach to registers and that only details necessary for the purposes of public protection should be on the register. The PSA continued that if a register user wishes to find information which is unrelated to public protection, they should use other resources (such as a professional's practice's website or a directory). The PSA said its position is informed by previous policy work and consumer research. In addition, one of the pieces of evidence the PSA might look for under Standard 10 of the Standards of Good Regulation is: 'Information on the rationale for including the information displayed on the register, including legal requirements where applicable.'
- 1.4 Among the healthcare regulators, the GOC is in the minority with only the General Osteopathic Council (GOsC), General Chiropractic Council (GCC) and General Medical Council (GMC) also providing information on gender on the public register. The GOsC and GCC are required to provide this information by statute and the GMC is planning to consult on removing this information from the register.
- 1.5 One argument for retaining information about gender on the register is that members of the public may use gender as a proxy for a registrant's sex as part of seeking same-sex care, so may use this information to decide which optical professional they want to see. Balanced against this, members of the public may use other means to secure same-sex care, such as asking for this when making an appointment.
- 1.6 As part of this consultation, we are running a short survey on our website to ascertain who uses the register and for what purposes. It is possible to search the register by

gender using the advanced search facility, but our expectation is that this is little used by the public. The results of the survey will feed into our analysis.

- 1.7 The GMC has reflected on whether it is a legitimate expectation for patients to be able to choose to be treated by a doctor of a particular sex and, if so, whether the GMC has a role in enabling this.¹ Its ethical analysis concluded that, "*whilst the human right to healthcare is clear, there does not appear to be a fundamental right for patients to be treated by a doctor of a certain birth sex. However, in reality, patients are entitled to request to be treated by someone of a particular birth sex (and commonly do this at local healthcare provider level)*". The GMC's view is that there can be good reasons for such requests to be accommodated locally where possible, such as in the case of those who have experienced sexual and/or physical abuse, or where they arise because of specific religious beliefs. However, the public register is not the best place for patients to locate this information.
- 1.8 Under the Data Protection Act and the Gender Recognition Act, there are legal implications for revealing someone's trans status without their permission or unless it is with the intention of preventing or investigating a crime. The GMC also identified risks relating to the public misunderstanding information, which in turn could undermine trust in the register. It highlighted that some members of the public use gender as a proxy for birth sex and therefore the GMC may need to add caveats to this information if they continue to display it to address these risks.
- 1.9 While GOC must resolve this policy issue by reference to the current Opticians Act and Registration Rules, we are mindful of implications of planned legislative reform. The planned Order for the regulation of Physician Associates and Anaesthesia Associates is intended to provide a template for changes to other healthcare regulators' legislative frameworks. Our interpretation of the most recent draft Order is that we could record gender data if we wanted to, but we would not be able to publish it unless we decided that doing so would be in the interest of public protection.
- 1.10 If we decide to retain publishing information about a registrant's gender on the public register, the binary gender options we currently record is not in keeping with current social expectations. Including information about gender rather than sex would be the more inclusive approach since not everyone identifies with their sex registered at birth. However, since providing information on gender is currently mandatory, including other options, such as non-binary, would risk outing registrants. If information about gender is deemed necessary to protect the public, it follows that this information should remain on the public register. While we could consider making recording gender on the public register a voluntary option, the risk of inadvertently

¹ See page 39 onwards [96903689-council-meeting-1-march-2023--agenda-and-papers.pdf \(gmc-uk.org\)](#)

outing people remains, it would create gaps on the register and there would be increased administrative costs to consider.

- 1.11 If we decide to remove reference to gender from the public register, we will continue to operate our policy for managing requests from registrants to change their gender recorded within our internal CRM system. It is necessary to do this to ensure our records are accurate while also respecting the rights of individual registrants. We need to hold information internally on our CRM system about the gender of our registrants (and other protected characteristics) so that we can carry out equality and diversity data analysis and so that we can share appropriately anonymised information about the gender of our registrants with commissioners and other stakeholders.
- 1.12 Our proposal is that we should no longer include information about a registrant's gender on the public register. This is because it is not necessary for public protection purposes, we believe there is little use of this information by the public and members of the public have alternative means to obtain this information.

Proposed implementation and transitional arrangements

- 1.13 Should we decide to remove gender from the website this will involve some website development work, which we would progress as soon as possible.

Questions

(Question numbers may be different in the consultation hub to accommodate questions about respondents)

1. Do you agree that we should remove information about a registrant's gender from the public register?

a) Yes b) No c) Neutral

Please explain the reasons for your answer.

2. We want to understand whether the proposal may discriminate against or unintentionally disadvantage any individuals or groups sharing any of the protected characteristics in the Equality Act 2010 which protects everyone living in the UK including refugees and migrants. Do you think the proposal will have a negative impact on certain individuals or groups who share any of the protected characteristics listed below? (Please select all that apply)

a) Age b) Disability c) Gender reassignment d) Marriage and civil partnership e) Pregnancy and maternity f) Race g) Religion or belief h) Sex i) Sexual orientation j) None of the above k) Don't know

Please describe the impact on the individuals or groups that you have ticked.

3. We also want to understand whether the proposal may benefit any individuals or groups sharing any of the protected characteristics in the Equality Act 2010 which protects everyone living in the UK including refugees and migrants. Do you think the proposal will have a positive impact on any individuals or groups who share any of the protected characteristics listed below? (Please select all that apply)

a) Age b) Disability c) Gender reassignment d) Marriage and civil partnership e) Pregnancy and maternity f) Race g) Religion or belief h) Sex i) Sexual orientation j) None of the above k) Don't know

Please describe the impact on the individuals or groups that you have ticked.

4. Have we identified and captured the impact accurately within the impact assessment?

a) Yes b) No

Please provide further detail including if there are other impacts we should consider.

Annex A: Impact Screening Assessment

Name of policy or process	Removing information about a registrant's gender from the public register.
Purpose of policy or process	To consult on removing information about a registrant's gender from the public register.
Team/Department	Policy and Registration teams
Date	14.09.23
Screen undertaken by	Steve Brooker, Director of Regulatory Strategy
Approved by	Jem Nash, EDI Manager
Date approved	14.09.23
Instructions:	<ul style="list-style-type: none"> • Circle or colour in the current status of the project or policy for each row. • Do not miss out any rows. If it is not applicable – put N/A, if you do not know put a question mark in that column. • This is a live tool, you will be able to update it further as you have completed more actions. • Make sure your selections are accurate at the time of completion. • Decide whether you think a full impact assessment is required to list the risks and the mitigating/strengthening actions. • If you think that a full impact assessment is not required, put your reasoning in the blank spaces under each section. • You can include comments in the boxes or in the space below. • Submit the completed form to the Compliance Manager for approval.

A) Impacts	High risk	Medium risk		Low risk	? or N/A
1. Reserves	It is likely that reserves may be required	It is possible that reserves may be required		No impact on the reserves / not used	
2. Budget	No budget has been allocated or agreed, but will be required	Budget has not been allocated, but is agreed to be transferred shortly	Budget has been allocated, but more may be required (including in future years)	No budget is required OR budget has been allocated and it is unlikely more will be required	
3. Legislation, Guidelines or Regulations	Not sure of the relevant legislation	Aware of all the legislation but not yet included within project/process	Aware of the legislation, it is included in the process/project, but we are not yet compliant	Aware of all the legislation, it is included in the project/process, and we are compliant	
4. Future legislation changes	Legislation is due to be changed within the next 12 months	Legislation is due to be changed within the next 24 months	Legislation may be changed at some point in the near future	There are no plans for legislation to be changed	
5. Reputation and media	This topic has high media focus at present or in last 12 months	This topic has growing focus in the media in the last 12 months	This topic has little focus in the media in the last 12 months	This topic has very little or no focus in the media in the last 12 months	
6. Resources (people and equipment)	Requires new resource	Likely to complete with current resource, or by sharing resource	Likely to complete with current resource	Able to complete with current resource	
7. Sustainability	Less than 5 people are aware of the process/project, and it is not recorded centrally nor fully	Less than 5 people are aware of the project/process, but it is recorded centrally and fully	More than 5 people are aware of the process/project, but it is not fully recorded and/or centrally	More than 5 people are aware of the process/project and it is clearly recorded centrally	
	No plans are in place for training, and/or no date set for completion of training	Training material not created, but training plan and owner identified and completion dates set	Training material and plan created, owner identified and completion dates set	Training completed and recorded with HR	N/A
8. Communication (Comms) / raising awareness	No comms plan is in place, and no owner or timeline identified	External comms plan is in place (including all relevant stakeholders) but not completed, an owner and completion dates are identified	Internal comms plan is in place (for all relevant levels and departments) but not completed, and owner and completion dates are identified	Both internal and external comms plan is in place and completed, owner and completion dates are identified	
	Not sure if needs to be published in Welsh	Must be published in Welsh; Comms Team aware		Does not need to be published in Welsh	

Please put commentary below about your impacts ratings above:

The consultation affects all registrants since gender is currently a mandatory field on the searchable GOC public register.

The proposal we are consulting on has low impact i) because a consultation on updating gender on the register has taken place and laid the foreground for this work; ii) we believe there is little use of this information by the public and there are alternative means for people to obtain this information; iii) we would still collect this information for EDI monitoring purposes.

The proposal carries some reputational risk since gender identity has been a prominent issue in society generally, however, our previous consultation indicated some stakeholder support for removing gender from the register.

Planned changes to the Opticians Act should mean little change to the current legislative framework on this issue. Our interpretation of the most recent draft Order is that we could record gender data if we wanted to, but we would not be able to publish it unless we decided that doing so would be in the interest of public protection.

B) Information governance	High risk	Medium risk		Low risk	? or N/A
1. What data is involved?	Sensitive personal data	Personal data	Private / closed business data	Confidential / open business data	
2. Will the data be anonymised?	No	Sometimes, in shared documents	Yes, immediately, and the original retained	Yes, immediately, and the original deleted	
3. Will someone be identifiable from the data?	Yes	Yes, but their name is already in the public domain(SMT/Council)	Not from this data alone, but possibly when data is merged with other source	No – all anonymised and cannot be merged with other information	
4. Is all of the data collected going to be used?	No, maybe in future	Yes, but this is the first time we collect and use it	Yes, but it hasn't previously been used in full before	Yes, already being used in full	
5. What is the volume of data handled per year?	Large – over 4,000 records	Medium – between 1,000-3,999 records		Less than 1,000 records	
6. Do you have consent from data subjects?	No	Possibly, it is explained on our website (About Us)	Yes, explicitly obtained, not always recorded	Yes, explicitly obtained and recorded/or part of statutory duty/contractual	
7. Do you know how long the data will be held?	No – it is not yet on retention schedule	Yes – it is on retention schedule	Yes – but it is not on the retention schedule	On retention schedule and the relevant employees are aware	
8. Where and in what format would the data be held? (delete as appropriate)	Paper; at home/off site; new IT system or provider; Survey Monkey; personal laptop	Paper; archive room; office storage (locked)	GOC shared drive; personal drive	other IT system (in use); online portal; CRM; Scanned in & held on H: drive team/dept folder	
9. Is it on the information asset register?	No	Not yet, I've submitted to Information Asset Owner (IAO)	Yes, but it has not been reviewed by IAO	Yes, and has been reviewed by IAO and approved by Gov. dept.	
10. Will data be shared or disclosed with third parties?	Yes, but no agreements are in place	Yes, agreement in place	Possibly under Freedom of Information Act	No, all internal use	
11. Will data be handled by anyone outside the EU?	Yes	-	-	No	
12. Will personal or identifiable data be published?	Yes – not yet approved by Compliance	Yes - been agreed with Compliance	No, personal and identifiable data will be redacted	None - no personal or identifiable data will be published	

B) Information governance	High risk	Medium risk		Low risk	? or N/A
13. Individuals handling the data have been appropriately trained	Some people have never trained by GOC in IG	All trained in IG but over 12 months ago		Yes, all trained in IG in the last 12 months	

Please put commentary below about reasons for information governance ratings:

The information handled will be consultation response data. All respondents will be asked permission for anonymised personal data and responses to questions to be used. No individuals will be identified in their responses, and all EDI information will be fully anonymised.

All data will be processed and stored in line with our [information governance policies](#), and individuals will be provided with a privacy notice.

The proposal would remove information about gender from the public register and should therefore reduce information governance risk. We will keep information internally on the gender of our registrants, so that we can carry out equality and diversity monitoring and so that we can share appropriately anonymised information on the gender of registrants with commissioners and other stakeholders.

C) Human rights, equality and inclusion	High risk	Medium risk		Low risk	? or N/A
1. Main audience/policy user	Public			Registrants, employees or members	
2. Participation in a process (right to be treated fairly, right for freedom of expression)	Yes, the policy, process or activity restricts an individual's inclusion, interaction or participation in a process			No, the policy, process or activity does not restrict an individual's inclusion, interaction or participation in a process	
3. The policy, process or activity includes decision-making which gives outcomes for individuals (right to a fair trial, right to be treated fairly)	Yes, the decision is made by one person, who may or may not review all cases	Yes, the decision is made by one person, who reviews all cases	Yes, the decision is made by an panel which is randomly selected; which may or may not review all cases	Yes, the decision is made by a representative panel (specifically selected) OR No, no decisions are required	N/A
	There is limited decision criteria; decisions are made on personal view	There is some set decision criteria; decisions are made on 'case-by-case' consideration	There is clear decision criteria, but no form to record the decision	There is clear decision criteria and a form to record the decision	N/A
	There is no internal review or independent appeal process	There is a way to appeal independently, but there is no internal review process	There is an internal review process, but there is no way to appeal independently	There is a clear process to appeal or submit a grievance to have the outcome internally reviewed and independently reviewed	N/A
	The decision-makers have not received EDI and unconscious bias training, and there are no plans for this in the next 3 months	The decision-makers are due to receive EDI and unconscious bias training in the next 3 months, which is booked	The decision-makers are not involved before receiving EDI and unconscious bias training	The decision-makers have received EDI and unconscious bias training within the last 12 months, which is recorded	
4. Training for all involved	Less than 50% of those involved have received EDI training in the last 12	Over 50% of those involved have received EDI training, and the training are booked in for all others involved in the next 3 months.		Over 80% of those involved have received EDI training in the last 12	

C) Human rights, equality and inclusion	High risk	Medium risk		Low risk	? or N/A
	months; and there is no further training planned			months, which is recorded	
5. Alternative forms – electronic / written available?	No alternative formats available – just one option	Yes, primarily internet/computer-based but paper versions can be used		Alternative formats available and users can discuss and complete with the team	N/A
6. Venue where activity takes place	Building accessibility not considered	Building accessibility sometimes considered		Building accessibility always considered	N/A
	Non-accessible building;	Partially accessible buildings;	Accessible buildings, although not all sites have been surveyed	All accessible buildings and sites have been surveyed	N/A
7. Attendance	Short notice of dates/places to attend	Medium notice (5-14 days) of dates/places to attend		Planned well in advance	N/A
	Change in arrangements is very often	Change in arrangements is quite often		Change in arrangements is rare	N/A
	Only can attend in person	Mostly required to attend in person		Able to attend remotely	N/A
	Unequal attendance / involvement of attendees	Unequal attendance/ involvement of attendees, but this is monitored and managed		Attendance/involvement is equal, and monitored per attendee	N/A
	No religious holidays considered; only Christian holidays considered	Main UK religious holidays considered	Main UK religious holidays considered, and advice sought from affected individuals if there are no alternative dates	Religious holidays considered, and ability to be flexible (on dates, or flexible expectations if no alternative dates)	N/A
8. Associated costs	Potential expenses are not included in our expenses policy	Certain people, evidencing their need, can claim for potential expenses, case by case decisions		Most users can claim for potential expenses, and this is included in our expenses policy; freepost available	N/A
9. Fair for individual's needs	Contact not listed to discuss reasonable adjustments, employees not aware of reasonable adjustment advisors	Most employees know who to contact with queries about reasonable adjustments		Contact listed for reasonable adjustment discussion	N/A

C) Human rights, equality and inclusion	High risk	Medium risk		Low risk	? or N/A
10. Consultation and Inclusion	No consultation; consultation with internal employees only	Consultation with employees and members	Consultation with employees, members, and wider groups	Consultation with policy users, employees, members and wider groups	

Please put commentary below for human rights, equalities and inclusion ratings above:

The consultation will help us to identify whether the proposal will have a positive/negative/neutral impact.

The consultation considers whether there is a legitimate expectation for patients to be able to choose to be treated by a healthcare professional of a particular sex and, if so, whether the relevant regulator has a role in enabling this. While some patients may wish to obtain this information, alternatives are available, and the public register is not the best place for patients to locate this information.

Protected characteristic	Type of potential impact: positive, neutral, negative?	Explanations (including examples or evidence/data used) and actions to address negative impact
Age	Neutral	The protected characteristic is not impacted by the proposal.
Disability	Neutral	The protected characteristic is not impacted by the proposal.
Sex	Neutral, although the consultation seeks views on the impact	The proposal would remove this information about gender from the public register. We will need to keep information internally on the gender of our registrants, so that we can carry out equality and diversity monitoring and so that we can share appropriately anonymised information on the gender of our registrants with commissioners and other stakeholders.
Gender reassignment (trans and non-binary)	Neutral, although the consultation seeks views on the impact	The proposal would remove this information about gender from the public register. We will need to keep information internally on the gender of our registrants, so that we can carry out equality and diversity monitoring and so that we can share appropriately anonymised information on the gender of our registrants with commissioners and other stakeholders.

Protected characteristic	Type of potential impact: positive, neutral, negative?	Explanations (including examples or evidence/data used) and actions to address negative impact
Marriage and civil partnership	Neutral	The protected characteristic is not impacted by the proposal.
Pregnancy/ maternity	Neutral	The protected characteristic is not impacted by the proposal.
Race	Neutral	The protected characteristic is not impacted by the proposal.
Religion/belief	Neutral	Some patients may request to see a female practitioner because of specific religious beliefs. However, alternative sources of information are available, and the public register is not the best place for patients to locate this information.
Sexual orientation	Neutral	The protected characteristic is not impacted by the proposal.
Other groups (e.g. carers, people from different socio-economic groups)	Neutral	These groups are not impacted by the proposal.

