

2012 No. 2882

HEALTH CARE AND ASSOCIATED PROFESSIONS

OPTICIANS

The General Optical Council (Continuing Education and Training Rules) (Amendment) Order of Council 2012

Made - - - - *11th November 2012*

Laid before Parliament *19th November 2012*

Coming into force - - *1st January 2013*

At the Council Chamber, Whitehall, the 11th day of November 2012

By the Lords of Her Majesty's Honourable Privy Council

Whereas, in the exercise of their powers under sections 11A, 11B(6), 23(A)(2) and 31A of the Opticians Act 1989(a) and of all other powers enabling them in that behalf, the General Optical Council have made the General Optical Council (Continuing Education and Training) (Amendment) Rules 2012 as set out in the Schedule to this Order.

And whereas, by section 34(1) of that Act, such Rules shall not come into force until approved by Order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Optical Council (Continuing Education and Training Rules) (Amendment) Order of Council 2012, and shall come into force on 1st January 2013.

Privy Council approval

2. Their Lordships, having taken these Rules into consideration, are pleased to, and do approve them.

Richard Tilbrook
Clerk to the Privy Council

(a) 1989 c.44. Sections 11A, 11B, 23A(2) and 31A were inserted by S.I. 2005/848.

SCHEDULE

The General Optical Council (Continuing Education and Training) Rules 2012

The General Optical Council, in exercise of their powers under sections 11A, 11B(6), 23(A)(2) and 31A of the Opticians Act 1989(a) and of all other powers enabling them in that behalf, hereby make the following Rules:

Citation and commencement

1.—(1) These Rules may be cited as the General Optical Council (Continuing Education and Training) (Amendment) Rules 2012.

(2) Except as provided by paragraph (3), these Rules come into force on 1st January 2013.

(3) Paragraphs (20) and (21)(b) of rule 2 come into force on 1st January 2014.

Amendments to the General Optical Council (Continuing Education and Training) Rules 2005

2.—(1) The General Optical Council (Continuing Education and Training) Rules 2005(b) (“the 2005 Rules”) are amended in accordance with the following provisions of this rule.

(2) In rule 2(1)—

(a) at the appropriate place in the alphabetical order insert—

““CET requirement” means any requirement which a registrant is required to satisfy under Part 4;”;

““contact lens specialty” means the specialty described in columns 2 and 3 of row A of the Table in rule 10 of the General Optical Council (Registration) Rules 2005(c);”;

““dispensing optician competencies” means competencies established by the Council under section 12(1) (education and training) as being those which a person needs to be able to demonstrate in order to be granted a qualification as a dispensing optician;”;

““interactive event” has the meaning given in rule 10(4);”;

““optometrist competencies” means competencies established by the Council under section 12(1) (education and training) as being those which a person needs to be able to demonstrate in order to be granted a qualification as an optometrist;”;

““peer review event” has the meaning given in rule 10(5);”;

““speciality competencies” means competencies established by the Council under section 12(1) (education and training) as applied by section 12(11) as being those which a person needs to be able to demonstrate in order that particulars of a speciality may be entered against the person’s name in the appropriate register;”;

““shortfall in CET requirements” has the meaning given in rule 17A;”;

(b) for the definition of “relevant period” substitute—

““relevant period” means each period of three years, commencing with 1st January 2013;”;

(c) omit the following definitions—

(i) “initial relevant period”,

(ii) “shortfall of points”,

(iii) “the 2007 to 2009 relevant period”, and

(a) 1989 c.44. Sections 11A, 11B, 23(A)(2) and 31A were inserted by S.I. 2005/848.

(b) S.I. 2005/1473 as amended by S.I. 2006/2901 and S.I. 2008/1940.

(c) S.I. 2005/1478.

(iv) “therapeutics speciality”.

(3) For rule 10 substitute—

“Grant or refusal of application for approval of an event

10.—(1) Where an application under rule 7 or 8 for approval of an event has been submitted to the administrator, the administrator must grant or refuse the application and where it is granted the administrator must—

- (a) specify—
 - (i) the number of CET points that a registrant who undertakes the approved event will obtain,
 - (ii) whether those points are to be general CET points under paragraph (2) or specialist CET points under paragraph (3),
 - (iii) each of those competencies established by the Council under section 12(1) to which the approved event relates,
 - (iv) whether it is an interactive event under paragraph (4),
 - (v) whether it is a peer review event under paragraph (5), and
- (b) allocate a reference number to the approved event.

(2) Where the administrator considers that an approved event is relevant to optometrist competencies or dispensing opticians competencies the type of points to be obtained by undertaking that event shall be specified as general CET points.

(3) Where the administrator considers that an approved event is relevant to speciality competencies the type of points to be obtained by undertaking that event shall be specified as specialist CET points.

(4) Where the administrator considers that an approved event is one which—

- (a) requires physical attendance;
- (b) is part of a supervised course of education and training; or
- (c) is to be conducted by way of instantaneous electronic communication with one or more persons qualified as an optometrist or dispensing optician;

the administrator must specify that it is an interactive event.

(5) Where the administrator considers that an approved event is one which is to be conducted by way of discussion between the person undertaking the event and one or more persons qualified as an optometrist or dispensing optician, the administrator must specify that it is a peer review event.

(6) The administrator must notify the applicant of the decision in respect of the application and where it is granted the notice is to specify—

- (a) the details of such of the matters referred to in paragraph (1)(a) as are relevant to the approved event in question; and
- (b) the reference number for that event allocated under paragraph (1)(b).”.

(4) In rule 11(1)(b)—

(a) for paragraph (ii) substitute—

“(ii) the matters specified by the administrator under rule 10(1)(a) for the event.”.

(5) In the Part 4 heading for “CET points” substitute “CET requirements”.

(6) In rule 12—

- (a) at the beginning of paragraph (3) insert “Subject to paragraph (4)”;
- (b) after paragraph (3) insert—

“(4) Where a registrant is restored to the appropriate register following an application to which rule 25 applies, for the purposes of paragraph (3) the months prior to the date of restoration are to be disregarded.

(5) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (3) must comply with the CET requirements under rules 13A, 13B and 13C.”.

(7) For rule 13 and 13A substitute—

“Requirement to obtain specialist CET Points

13.—(1) A registrant against whose name in the appropriate register particulars of one or more specialities are entered must obtain the number of specialist CET points determined under paragraphs (2) and (3).

(2) In respect of each relevant period, the required number of specialist CET points is the number equivalent to half of the number of whole months during the relevant period for which the registrant has particulars of one or more entries entered against the registrant’s name in the appropriate register.

(3) For the purposes of paragraph (2)—

- (a) where a registrant has more than one entry relating to a speciality throughout the relevant period, the date of the first entry of the first particular of a speciality is the date that is to be used for calculating the number of points;
- (b) if the required number of specialist CET points determined in accordance with paragraph (2) would include any fraction of a whole number, the required number of points are to be rounded down to the nearest whole number; and
- (c) where the particulars of one or more specialities against a registrant’s name in the appropriate register are restored following an application to which rule 26 applies, the months prior to the date of the restoration are to be disregarded if at the time of restoration there were no particulars of a speciality against the registrant’s name entered in the appropriate register.

(4) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (2) must comply with the CET requirements under rules 13A, 13B and 13C.

Requirement to undertake approved events relating to each competency

13A.—(1) The approved events undertaken for the purposes of obtaining the CET points within the period specified under each of rules 12, 13, 25 and 26 must relate to—

- (a) in the case of a registered optometrist, or a person seeking restoration as a registered optometrist, each of the optometrist competencies;
- (b) in the case of a registered dispensing optician, or a person seeking restoration as a registered dispensing optician, each of the dispensing optician competencies; and
- (c) in the case of a registrant against whose name particulars of a specialty are entered in the appropriate register, or a person seeking restoration of such an entry, each of the specialty competencies that relate to that speciality.

(2) Paragraph (1) is not to apply where in the last 12 months of the relevant period—

- (a) the first entry was made of the registrant’s name in the register; or
- (b) in relation to a speciality, the particulars of that specialty were first entered against the registrant’s name in the appropriate register.

(3) For the purposes of this rule—

- (a) the competencies are those established by the Council under section 12(1) as they applied on the first day of the relevant period; and

(b) an approved event relates to a competency if the administrator has specified it as such under rule 10(1)(a)(iii).

(4) In the application of this rule to rules 25 and 26 “registrant” shall be construed as a person seeking restoration.”.

(8) After rule 13A insert—

“Requirement to undertake interactive events

13B.—(1) The approved events undertaken for the purposes of obtaining more than half of the CET points required within the period specified under each of rules 12, 13, 25 and 26 must be interactive events.

Requirement to undertake peer review events

13C.—(1) This rule applies to—

- (a) a registered optometrist or person seeking restoration as a registered optometrist; and
- (b) a registrant against whose name particulars of a speciality are entered in the appropriate register or a person seeking restoration of an entry for such a speciality.

(2) Subject to paragraph (3), the approved events undertaken for the purposes of obtaining the CET points required within the specified period under rules 12, 13, 25 and 26 by a registrant to which this rule applies must include one peer review event.

(3) Paragraph (2) is not to apply where in the last 12 months of the relevant period—

- (a) the first entry was made of the registrant’s name in the appropriate register; or
- (b) in relation to a speciality, particulars of that speciality were first entered against the registrant’s name in the appropriate register.

(4) Where this rule applies to a registrant against whose name in the register particulars of one or more specialties are entered, the discussions undertaken for the purposes of the peer review event must relate to one of those specialties.

(5) In the application of this rule to rules 25 and 26 references to “registrant” shall be construed as a person seeking restoration.”.

(9) For rule 15 substitute—

“Calculation of CET Points

15.—(1) This rule applies to calculations made for the purposes of rules 12, 13, 20A, 24, 25 and 26 in order to determine the total number of CET points obtained by a registrant.

(2) General CET points obtained by a registrant are not to be taken into account in calculating the number of the registrant’s specialist CET points.

(3) Subject to paragraph (4), specialist CET points obtained by a registrant are not to be taken into account in calculating the number of the registrant’s general CET points.

(4) Any contact lens specialist CET points up to but not exceeding 18 obtained within the specified period under rules 13 and 26 may also be counted as general CET points under rules 12 and 25 respectively (and accordingly each specialist CET point may be counted twice).

(5) CET points which a person obtains in the course of a relevant period in order to make up any shortfall in CET requirements in respect of the previous relevant period are not to be taken into account for the purposes of rules 12 and 13.

(6) CET points which a person obtains in order to make up any shortfall in CET requirements in respect of the previous relevant period may be taken into account for the purposes of paragraph (2) of rules 25 and 26 (and accordingly may be counted twice).”.

(10) Rule 16 is omitted.

(11) After rule 17 insert—

“Shortfall in CET requirements

17A. A shortfall in CET requirements will occur if, in any relevant period—

- (a) a registrant has failed to obtain the required CET points required by rules 12 and 13 for that period; or
- (b) a registrant has obtained the required CET points for that period but the approved events undertaken for the purposes of obtaining those points have failed to satisfy the requirements under rules 13A, 13B and 13C which in accordance with those rules the events were required to satisfy.”.

(12) For paragraph (1)(b) of rule 19 substitute—

“(b) the matters specified by the administrator under rule 10(1)(a) for the event; and”.

(13) For paragraphs (2) and (3) of rule 20 substitute—

“(2) In relation to each approved event provided by a listed provider, the records must contain the information provided to the registrant under rule 11(1)(b).

(3) In relation to each approved event provided outside the United Kingdom by a person other than a listed provider, the records must contain—

- (a) the name of the person who provided the event;
- (b) a statement of the number and type of CET points obtained;
- (c) each of those competencies established by the Council under section 12(1) to which the approved event related;
- (d) whether it was an interactive event;
- (e) whether it was a peer review event; and
- (f) the reference number of the event allocated under rule 10(1)(b).”.

(14) After rule 20 and below the heading for Part 6 insert—

“Notice of possible shortfall

20A.—(1) This rule applies where, two months prior to the end of any relevant period, it appears to the administrator that a registrant will have a shortfall in CET requirements if no further approved events are attended by the registrant before the end of that relevant period (“a possible shortfall”).

(2) The administrator must immediately serve a notice on the registrant stating—

- (a) the possible shortfall;
- (b) the procedure for disputes under rule 22;
- (c) that unless the registrant undertakes approved events to meet the CET requirements equivalent to the possible shortfall by the end of the relevant period, the registrar may remove from or refuse to retain in the appropriate register—
 - (i) the name of the registrant, or
 - (ii) in any case where the possible shortfall relates to a speciality, particulars of that speciality which are entered against the registrant’s name in the appropriate register;
- (d) that if there is any such removal, the registrant’s name or the particulars of the speciality (or specialities) as the case may be, may only be restored if the shortfall in CET requirements has been satisfied.

- (3) The notice under paragraph (2) may be served electronically where—
- (a) the registrant has consented in writing to receipt of notices by electronic communication for the purposes of this rule; and
 - (b) the notice has been sent to the address specified by the registrant when giving that consent.”.

(15) For rule 21 substitute—

“Notification of compliance with CET requirements

21.—(1) Before the end of the relevant period, a registrant who is subject to the requirements of these Rules must provide the administrator with the information required to be recorded in relation to that period under rule 20.

(2) The information must be provided in such form (including electronic) as is specified by the Council.”.

(16) In rule 22—

- (a) for the heading “Disputes as to the points obtained” substitute “Disputes as to compliance with CET requirements”;
- (b) in paragraph (2) for the words “Not later than 14th January in the year following the period to which the discrepancy relates” substitute “As soon as reasonably practicable following the end of the relevant period to which the discrepancy relates”;
- (c) in paragraph (3) for “28” substitute “21”;
- (d) in paragraph (5) for “CET points” substitute “CET requirements”; and
- (e) omit paragraph (8).

(17) For the heading to Part 7 “Failure to obtain CET Points” substitute “Failure to comply with CET requirements”.

(18) Rule 23 is omitted.

(19) For rule 24 substitute—

“Removal of registration or an entry relating to a specialty

24.—(1) Subject to paragraph (2), where in any relevant period a registrant has a shortfall in CET requirements the registrar may on or after 1st January in the year immediately after that relevant period remove from or refuse to retain in the register—

- (a) the name of the registrant; or
- (b) in any case where the possible shortfall relates to a speciality, particulars of that speciality which are entered against the registrant’s name in the appropriate register.

(2) Where rule 22 applies (disputes as to compliance with the CET requirements), paragraph (1) is not to apply until the registrar has made a determination under rule 22(6) and has notified the registrant under rule 22(7) of that determination.”.

(20) After rule 25(2) insert—

“(3) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (2) must comply with the CET requirements under rules 13A, 13B and 13C.”.

(21) In rule 26—

- (a) in paragraph (2A) omit all the references to “therapeutic”; and
- (b) after paragraph (3) insert—

“(4) The approved events undertaken for the purposes of obtaining the CET points required under paragraph (2) must comply with the CET requirements under rules 13A, 13B and 13C.”.

Saving provision

3.—(1) The 2005 Rules are to continue to have effect as they applied on 31st December 2012 for the purposes of administering the Rules for any registrant in respect of the relevant period ending on 31st December 2012.

(2) Paragraph (1) is not to apply where—

- (a) an application for restoration is made under rule 25 or 26 on or after 1st January 2014, and
- (b) as a result of a shortfall in CET points for the relevant period ending on 31st December 2012—
 - (i) that applicant’s name was removed from the appropriate register, or
 - (ii) in the case of a shortfall relating to a speciality, particulars of that speciality (or specialities) as the case may have been entered against that applicant’s name were removed from the appropriate register.

Given under the official seal of the General Optical Council on the 12th day of October 2012

Attested by:



Anna Bradley
Chair of Council

Morag Alexander
Member of Council

Samantha Peters
Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules made by the General Optical Council (“the Council”), which amend the General Optical Council (Continuing Education and Training) Rules Order of Council 2005 (“the Principal Rules”).

Paragraph (2) of rule 2 amends the interpretations provisions of the Principle Rules to reflect the amendments made by this Order.

Paragraph (3) substitutes rule 10 of the Principle Rules, introducing the concept of interactive events and peer review events and requiring the administrator of the scheme to specify where approved events relate to these concepts. It also requires the administrator to specify the relevant competencies established by the Council under section 12(1) which relate to an approved event.

Paragraphs (6) and (7) of rule 2 amends and replaces, respectively, rules 12 (requirement to obtain general CET points) and 13 (requirement to obtain specialist CET points) of the Principle Rules in order to clarify that any period of time that a registrant was on the register prior to restoration is to be disregarded for the purposes of the calculation of points. There is also an additional provision which requires that the approved events undertaken for the purposes of obtaining the CET points required under rules 12 and 13 must comply with the CET requirements under new rules 13A, 13B and 13C of the Principle Rules (requirement to obtain competencies and undertake interactive and peer review events).

Paragraph (9) of rule 2 replaces rule 15 (calculation of CET points) of the Principle Rules, which enables registered dispensing opticians who have an entry for a contact lens specialty against their name in the register, may count their specialist CET points towards their general CET points (and so may be counted twice) upto a maximum of 18 points. It also makes provision for any CET points obtained for the purposes of making up any shortfall in CET points to be counted towards the CET points required for restoration under rules 25 and 26 (and so may be counted twice).

Paragraph (11) of rule 2 introduces a new concept of ‘shortfall in CET requirements’ which can either be a shortfall in CET points or non-compliance with the requirements under paragraphs 13A, 13B or 13C.

Paragraph (14) of rule 2 is a new provision which requires the administrator to notify the registrant two months before the end of the relevant period that, if no further events are to be undertaken by the end of the relevant period, the registrant will have a shortfall in CET requirements and may be removed from the register at the end of that period.

Paragraph (16) of rule 2 amends the time limits where there is a dispute under rule 22 regarding the registrants compliance with the CET requirements.

Paragraphs (20) and (21) of rule 2 amend the restoration provisions of the Principle Rules. These now provide that in addition to the number of points required on an application for restoration, it will also be necessary to comply with the requirements of rules 13A, 13B and 13C of the Principle Rules as amended by this Order. The effect being that the approved events undertaken for the purposes of restoration will need to comply with the competency requirements under 13A, the requirement to attend interactive events under rule 13B and the requirement to attend a peer review event under rule 13C.

Rule 3 makes savings provisions to enable the Principle Rules to continue as they would have applied on the 31st December 2012 for the purposes of administering the rules in respect of the relevant period ending on 31st December 2012. However, this will not apply in respect of any applications for restoration made on or after 1st January 2014 where the person seeking restoration was removed from the register as a result of non-compliance with the CET points required under the relevant period ending on 31st December 2012.

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STATUTORY INSTRUMENTS

2012 No. 2882

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