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1. Introduction

- 1.1 This guidance is designed to assist parties with the General Optical Council (GOC) pre-hearing case management process.
- 1.2 The case management process is intended to ensure cases are hearing-ready, to reduce delays and make the best use of hearing time.
- 1.3 When listing cases for hearings before the Fitness to Practise Committee (FTPC), the GOC will place at the forefront of its process its over-arching objective as set out in the Opticians Act 1989 (as amended), namely the protection of the public.
- 1.4 In seeking to meet its over-arching objective, the GOC is committed to the management of cases through to final FTPC decision as efficiently as possible.

2. Purpose

- 2.1 The case management procedure is primarily intended to:
 - a) Facilitate the effective running of GOC hearings
 - b) Encourage both parties to prepare their cases and co-operate with each other in order to keep delays to a minimum
 - c) Minimise the stress on the Registrant/witnesses at a hearing by setting up an effective channel of communication during the pre-hearing period and seeking agreement about a number of key issues.

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- 2.2 The process is designed to minimise delays that can arise during the pre-hearing preparation period, which have led to hearing dates being vacated, and at the hearing stage, where valuable time is often spent dealing with preliminary matters which can ordinarily be resolved before the hearing.

3. Scope

- 3.1 The case management procedure will be facilitated by the GOC Hearings team, which has responsibility for all aspects of hearing administration and support.
- 3.2 The policy will apply to registrants who are the subject of a fitness to practise investigation.
- 3.3 Straightforward cases such as those relating to conviction will usually be excluded from this process. This is intended to reduce unnecessary time on the part of parties in cases where there are unlikely to be case management issues.

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4. What happens

- 4.1 The diagram below provides an overview of the steps and approximate timetable of the case management procedure. Full details can be found under 'procedure' below.



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5. Timetable for case management procedure

5.1 The steps and approximate timetable of the case management procedure, is as follows:

Action	Details
Case Referred to Fitness to Practise Committee	Day 1
Case Progression Team to set out disclosure timetable to hearing parties	Within 10 working days of referral
In accordance with Standard Direction 1 GOC Case disclosure deadline	No later than six months from the date on which the allegation was referred to the Fitness to Practise Committee, the Presenting Officer must serve on the registrant concerned— (a) finalised particulars of the allegation, sufficiently particularised to enable the registrant concerned to understand the allegation; (b) any statements of evidence, expert reports or other documents relied upon by the Presenting Officer in support of the Council's case, not previously served upon the registrant; (c) any evidence or documents in the possession of the Presenting Officer (other than documents for which privilege is claimed) which, whilst not relied upon in the Council's case, may assist in the preparation of the registrant's defence; (d) a list of witnesses whose evidence will be relied on by the Council in support of its case, and (e) a time estimate for the Council's case.
GOC Disclosure Deadline	Within two weeks of the GOC's disclosure deadline, the Hearings Scheduling Officer will send the GOC a reminder to ensure compliance with Standard Direction 1, or the alternative date if agreed. Where the GOC has failed to disclose its case within six months, the Hearings Scheduling Officer will contact the defence and obtain their views on holding a procedural hearing.
Unrepresented Registrants	Should you wish to discuss in further detail the process, how the hearing questionnaire should be completed or non GOC contacts who could provide support then a telephone call can be arranged with the Hearing Scheduling Officer.
No later than 28 days from the date when the material set out in direction 1 was sent to the registrant, the registrant must serve on the Presenting Officer a time estimate for the substantive hearing.	Within 28 days from date of disclosure.
The Hearings Scheduling Officer will fix a hearing date and issue formal notifications in accordance with Rule 34(1).	Within 15 days of the Hearing Questionnaire (HQ) being returned, or on the expiry of the 28 days – whichever is sooner. The hearing date will be after the expiry of the four-month period permitted by Standard Direction 3 (Rule 29), unless the registrant has indicated that an earlier date is acceptable.

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	A telephone call may take place if there is a discrepancy in the hearing length estimate – ie (GOC – 3 days and defence – 10 days).
First teleconference call	The first telephone conference call will take place at 3 months from the date of disclosure to the Registrant.
Defence disclosure	No later than 4 months from the date when the material set out in direction 1 was sent to the registrant, the registrant must serve on the Presenting Officer— (a) any statements of evidence (including witness statements), expert reports or other documents relied upon in support of the registrant’s case; (b) a list of witnesses whose evidence will be relied upon in support of the registrant’s case; and (c) a time estimate for the registrant’s case
Defence disclosure deadline	At the expiry of the four months, the Case Progression team will communicate with the defence to ensure compliance with this direction. Where there is difficulty in complying with the Standard Directions or alternative date if agreed, the Presenting Officer or the Registrant may require a procedural hearing to be held. At a procedural hearing, the Fitness to Practise Committee may— (a) invite representations from any party who attends; and (b) vary the standard directions
Second telephone conference call	This call will take place approximately 4-6 weeks prior to the first day of the substantive hearing.
Hearing Bundles	
<p>Before any hearing, no later than 10 working days before the Monday of the week in which the hearing is to take place before the Fitness to Practise Committee, the parties must serve on each other copies of the bundles on which they intend to rely at the hearing.</p> <p>No later than 5 working days before the Monday of the week in which the hearing is to take place, the parties must serve on the Hearings Manager 8 paginated copies of</p> <ul style="list-style-type: none"> (a) Where the bundle for the hearing has been agreed between the parties, the agreed bundle; or (b) Where the bundle for the hearing has not been agreed – <ul style="list-style-type: none"> i. a statement by each party setting out why the bundle for the hearing has not been agreed, ii. a statement from the party seeking to rely on any disputed material why that party seeks to include it in the bundle, iii. the bundles on which each party intends to rely at the hearing. 	<p>10 working days before the Monday of the week in which the hearing is to take place</p> <p>No later than 5 working days before the Monday of the week in which the hearing is to take place</p>

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Witness lists	No later than 5 working days before the Monday of the week in which the hearing is to take place, the parties must serve on the Hearings Manager a list (which they must endeavour to agree but must otherwise serve separately) indicating – (a) any witness whose evidence has been agreed and who therefore does not need to be called; and (b) any witness who is to be called to give oral evidence before the Committee.
Substantive Hearing date	

6. Procedure

- 6.1 The procedure will normally focus on up to two discussions between parties. In most cases, these will take place over the telephone.
- 6.2 The Hearings Manager is notified by the Head of Case Progression of a referral decision at which point the case management procedure will begin.
- 6.3 Cases referred to a Fitness to Practice Committee are allocated to a Hearings Scheduling Officer who will manage the procedure from start to finish, including the scheduling of the hearing.

A. GOC Disclosure Timetable set

- 6.4 Within 10 working days of referral, the Case Progression Team will set out and inform parties of the GOC's disclosure timetable.
- 6.5 The Hearings Scheduling Officer will ensure the disclosure timetable complies with Standard Direction 1, in that no later than six months from the date on which the allegation was referred to the Fitness to Practise Committee, the GOC will serve on the Registrant the documentary evidence that it intends to rely upon during the hearing. This will include:
- (a) finalised particulars of the allegation, sufficiently particularised to enable the registrant concerned to understand the allegation;
 - (b) any statements of evidence, expert reports or other documents relied upon by the Presenting Officer in support of the Council's case, not previously served upon the registrant;
 - (c) any evidence or documents in the possession of the Presenting Officer (other than documents for which privilege is claimed) which, whilst not relied upon in the Council's case, may assist in the preparation of the registrant's defence;
 - (d) a list of witnesses whose evidence will be relied on by the Council in support of its case, and
 - (e) a time estimate for the Council's case.

B. GOC Disclosure Deadline

- 6.6 Within two weeks of the GOC's disclosure deadline, the Hearings Scheduling Officer will send the GOC case officer a reminder to ensure they are able to comply with their disclosure timetable. For those cases that have been proposed to have been served within the six months disclosure time period, a revision may be made to the disclosure timetable.

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- 6.7 Where the GOC have failed to disclose their case within the required six months, the Hearings Scheduling Officer will contact the defence and obtain their views on holding a procedural hearing.
- 6.8 At a procedural hearing, the Fitness to Practise Committee may—
- 6.9 (a) invite representations from any party who attends; and
- 6.10 (b) vary the standard directions.

C. Hearing questionnaire

- 6.11 Following the disclosure of a case, the Registrant will have 28 days to complete the hearing questionnaire and provide their dates to avoid to the GOC's Hearings team. Reasons for unavailability must be provided so that careful consideration can be given as to whether it would be reasonable to list a hearing date to accommodate non-availability. In some cases, the Hearings team may require some evidence to support any unavailability. If there are exceptional reasons why particular counsel/expert is required, then this should be provided with full reasons.
- 6.12 When listing cases for substantive hearings before the Fitness to Practise Committee, the GOC will place at the forefront of its process its over-arching objective as set out in the Opticians Act 1989 (as amended), - namely the protection of the public. The availability of the registrant and witnesses, and particularly those subject to Rule 41 considerations, will be the primary consideration when fixing a hearing date. Availability of first-choice case presenters will be taken into consideration whenever possible, but the over-arching objective and timely progression of cases will take precedence.
- 6.13 Guidance on completing the hearing questionnaire can be found at Annex A.
- 6.14 Within 15 days of the receipt of the hearing questionnaire or on the expiry of the 28-day notice period, whichever is sooner, the Hearings Scheduling Officer will fix a hearing date and issue formal notifications in accordance with Rule 34(1). At this stage the Hearings Scheduling Officer will also arrange and list the 1st telephone conference meeting.

D. First telephone conference:

- 6.15 The first telephone conference will be held at 3 months from the date of disclosure by the GOC to the Registrant.
- 6.16 The first call falls within the four-month statutory period provided for defence preparation. We appreciate this may affect the amount of information that is able to be disclosed by the defence at this stage. However, it is hoped that parties will still be able to hold some meaningful discussions (for example, if both parties are calling expert witnesses, can early arrangements be put in place for them to meet/speak in advance of the first day of the hearing).
- 6.17 Where parties have been able to hold meaningful discussions, the likelihood of a second call may be diminished.
- 6.18 This first call will be chaired by the GOC Hearings Scheduling Officer, and will involve the GOC Case Officer, the GOC Solicitor, the Registrant and/or their legal representative. The date and time of the telephone conference will be agreed with the parties involved. Participants are expected to agree a date within the timescales set out. The telephone conference will go ahead even if only one party agrees to participate. Where the Registrant has legal representation, their solicitor will normally take part.

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6.19 Registrants with no representation will be encouraged to engage with the case management procedure, and wherever possible, to obtain legal representation. But if they do not respond to correspondence by the specified date, the telephone conference will go ahead without them and a record of the outcome will be sent to them.

6.20 At this 1st telephone conference, procedural and legal issues will be considered.

6.21 The agenda for the telephone conference will include:

a) Hearing date, location and Committee members

a.1 The hearing date and location will be confirmed, and a conflict check between witnesses, experts (where possible) and committee members will be undertaken.

b) Admissions

b.1 Parties to review any admissions. This is also an opportunity to review whether an Agreed Panel Disposal hearing is appropriate in accordance with the relevant policy.

c) Witnesses

c.1 A list of all witnesses required by both parties. Confirmation if their statement is agreed and can be read, or if they are required to attend the hearing. List any measures that are required by the parties, such as Skype attendance or special measures e.g. screens or assistance at the venue if vulnerable.

d) Expert witnesses

d.1 If both parties are calling experts, then they are expected to make early arrangements for the experts to meet/speak in advance of the first day of the hearing, to narrow the areas of contention and produce a joint expert report. A timetable will be put in place for the meeting of experts and preparation of bundles.

e) Hearing Bundles

e.1 Parties will be asked to set a timetable at the first teleconference for the preparation of hearing bundles, taking into consideration any redactions that may need to be made. This is to ensure that standard directions 6 and 7 of the FTP Rules can be met:

e.2 'Before any hearing, no later than 10 working days before the Monday of the week in which the hearing is to take place before the Fitness to Practise Committee, the parties must serve on each other copies of the bundles on which they intend to rely at the hearing.

e.3 No later than 5 working days before the Monday of the week in which the hearing is to take place, the parties must serve on the Hearings Manager 8 paginated copies of—

e.4 (a) where the bundle for the hearing has been agreed between the parties, the agreed bundle; or

e.5 (b) where the bundle for the hearing has not been agreed—

e.6 (i) a statement by each party setting out why the bundle for the hearing has not been agreed,

e.7 (ii) a statement from the party seeking to rely on any disputed material why that party seeks to include it in the bundle, and

e.8 (iii) the bundles on which each party intends to rely at the hearing.'

e.9 Where parties have not provided agreed bundles, or a statement setting out why the bundles have not been agreed, in line with the above directions, the Fitness to Practise Committee will be informed that this Rule has not been complied with.

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f) Reasonable adjustments

f.1 Any adjustments that are required by either party for those attending the hearing (in any capacity) will be reviewed.

g) Review time estimate

g.1 Parties will be asked to review the time estimates provided in the Hearing Questionnaires, taking into account any admissions, outstanding preliminary arguments, presentation of the GOC's case and the Registrant's case (including cross-examination of witnesses), possible submissions on impairment and sanction and the time the Committee will require for its in-camera deliberations and drafting of its decision at various stages. Where appropriate, the estimated length of the hearing will be reviewed. Where the length of the hearing is thought to be significantly under or over-estimated, parties will need to agree a more accurate estimate to reduce the risk of the hearing either finishing early or going part heard due to lack of time.

E. Review - First Telephone Conference

6.22 Parties and the hearings team will review the effectiveness of the first call. Where a meaningful discussion has taken place at the first call, and particularly for those cases listed below five days, consideration will be given at the first call as to the necessity of the second call. For those cases listed for five days or over, the second call will be listed to take place 4-6 weeks prior to the first date of the substantive hearing.

6.23 The GOC Hearings Scheduling Officer will prepare a record of the telephone conference, and circulate it to all parties, whether or not they participated, within three working days. This record will be limited to the telephone conference record, with a note of potential issues raised by either party. It is not intended to be a verbatim record of the discussion, but parties can request amendments to the record if they do not think it reflects the discussion accurately.

6.24 There may be occasions when the notes of the case management meeting will be provided to the Fitness to Practise Committee, when there are unresolved issues to be addressed. The notes will be redacted so that only the relevant sections are available to the Committee, and where possible with agreement from both parties.

F. Defence Disclosure

6.25 No later than 4 months from the date when the material set out in direction 1 was sent to the registrant, the registrant must serve on the Presenting Officer—

(a) any statements of evidence (including witness statements), expert reports or other documents relied upon in support of the registrant's case;

(b) a list of witnesses whose evidence will be relied upon in support of the registrant's case; and

(c) a time estimate for the registrant's case.

G. Defence Disclosure Deadline

6.26 The GOC case presenter will ensure this direction has been met. Where there is difficulty in complying with the Standard Directions or alternative date if agreed, the Presenting Officer or the Registrant may request a procedural hearing to be held, if it is unlikely to be resolved at a second case management call. At a procedural hearing, the Fitness to Practise Committee may—

6.27 (a) invite representations from any party who attends; and

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6.28 (b) vary the standard directions.

6.29 Should the GOC case presenter request a procedural hearing, the second telephone conference call, where possible, is likely to be scheduled after any deadlines set by the committee.

H. Second telephone conference:

6.30 A second telephone conference may take place 4-6 weeks prior to the first date of the substantive hearing, as set out at paragraph 6.26. Additional calls can be requested by either party or the hearings team at any stage of the pre-hearing period.

6.31 This call will be used to review and deal with any final outstanding procedural issues. Parties will be expected to identify whether they intend to raise any preliminary arguments as well as ensure they are, or will be, ready to proceed on the first day of the hearing. It will also be an opportunity to deal with any final relevant administrative matters.

6.32 As per the first call, this call will be chaired by the GOC Hearings Scheduling Officer, and will involve the GOC Case Officer, the GOC Solicitor, the Registrant and/or their legal representative. Participants are expected to agree a date within the timescales set out. The telephone conference will go ahead even if only one party agrees to participate. Where the Registrant has legal representation, their solicitor will normally take part.

6.33 The main areas of discussion for the second telephone conference call will include:

a) Hearing date, location and Committee members

a1 The hearing date and location will be re-confirmed, and a final conflict check between witnesses, experts and committee members will be undertaken.

b) Witnesses

a1 review of the witness list will be undertaken by both parties and confirmation of any special measures that are required by the parties.

c) Expert witnesses

c1 review of the plan put in place at the 1st telephone conference meeting will be undertaken.

d) Hearing Bundles

d1 Parties will be asked to review the timetable set at the first teleconference for the preparation of hearing bundles, taking into consideration any redactions that may need to be made. This is to ensure that standard directions 6 and 7 of the FTP Rules can be met:

d2 'Before any hearing, no later than 10 working days before the Monday of the week in which the hearing is to take place before the Fitness to Practise Committee, the parties must serve on each other copies of the bundles on which they intend to rely at the hearing.

d3 No later than 5 working days before the Monday of the week in which the hearing is to take place, the parties must serve on the Hearings Manager 8 paginated copies of—

d4 (a) where the bundle for the hearing has been agreed between the parties, the agreed bundle; or

d5 (b) where the bundle for the hearing has not been agreed—

d6 (i) a statement by each party setting out why the bundle for the hearing has not been agreed,

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d7 (ii) a statement from the party seeking to rely on any disputed material why that party seeks to include it in the bundle, and

d8 (iii) the bundles on which each party intends to rely at the hearing.’

d9 Where parties have not provided agreed bundles, or a statement setting out why the bundles have not been agreed, in line with the above directions, the Fitness to Practise Committee will be informed that this Rule has not been complied with.

e) Reasonable adjustments

e.1 This will be another opportunity for either party to request any adjustments that are required for those attending the hearing (in any capacity)

f) Review time estimate

f.1 Parties will be asked to undertake a final review of the time estimate. Where appropriate, and based on their knowledge after effective case management, the estimated length of the hearing will be reviewed. Where the length of the hearing is thought to be significantly under or over-estimated, parties will need to agree a more accurate estimate to reduce the risk of the hearing either finishing early or going part heard due to lack of time.

6.34 The GOC Hearings Scheduling Officer will prepare a record of the telephone conference, and circulate it to all parties, whether or not they participated, within three working days. This record will be limited to the telephone conference record with a note of potential issues raised by either party. As with the first telephone conference call, it is not intended to be a verbatim record of the discussion, but parties can request amendments to the record if they do not think it reflects the discussion accurately. The record will be limited to the format of the proforma, with a note of potential issues raised by either party.

6.35 There may be occasions when the notes of the case management meeting will be provided to the Fitness to Practise Committee, when there are unresolved issues to be addressed. The notes will be redacted so that only the relevant sections are available, and where possible with agreement from both parties.

7. Telephone Conference calls

7.1 Unrepresented registrants, either party, or the hearings team may request a telephone conference at any time throughout the preparation period or where there is difficulty in complying with the agreement from any of the telephone meetings. This call will be listed as soon as convenient for all.

7.2 The first call will be listed at 3 months from the date of the disclosure to the Registrant. The date of which will be provided by the Hearings team following the disclosure letter. It is anticipated this call will last approximately 30 minutes.

7.3 The second call will typically take place for cases listed for five days or over. This will take place 4-6 weeks prior to the first date of the substantive hearing. For those cases listed below five days, a review will be undertaken at the first call. If required, the date will have been agreed by the parties at the first telephone conference call. It is anticipated any second or subsequent calls will last up to 15 minutes.

7.4 If the date/time of any calls is not convenient to either party, it can be rescheduled by contacting the Hearings Scheduling Officer, who will make arrangements to move the call to the next convenient date for all.

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- 7.5 Additional calls can be requested by either party or unrepresented registrants at any stage of the process by contacting the Hearings Scheduling Officer.
- 7.6 The Hearings Scheduling Officer will provide all parties with telephone conference dial in details ahead of the call.

8. Information for Unrepresented Registrants

Participating in case management

- 8.1 This section has been written with unrepresented registrants in mind. It is important that all parties have an equal footing in the fair and expeditious disposal of the case, and this extends to Registrants who are unrepresented. Registrants are encouraged to participate in the case management procedure, but the procedure will not be unduly delayed where a Registrant who has been given a fair and proper opportunity to engage and does not do so, either at all or in a timely manner.
- 8.2 It is recognised that fitness to practise hearings will be daunting to an unrepresented Registrant and the Hearing Scheduling Officer will make every effort to ensure that they are sent all the relevant documentation and any explanatory information in a timely manner.
- 8.3 Registrants are encouraged to contact the Hearing Scheduling Officer with questions about the procedure (though the Hearing Scheduling Officer is neutral and cannot discuss the merits of the case itself). If a Registrant needs additional telephone conferences to properly prepare themselves for the case, this can be facilitated.
- 8.4 We encourage all registrants under investigation to seek independent legal advice. Annex B provides a list of non GOC contacts and sources of help and assistance.

Attending the hearing

- 8.5 Registrants should be aware that if they decide not to attend the hearing (either in person, by telephone or by video-link), the Committee may proceed and make a decision in their absence.
- 8.6 As a registrant, you should be aware that if you do not attend the hearing then you will not have an opportunity to cross-examine the witnesses on any points in their statements that you do not agree with, or be able to adduce from them any other matters that you may consider are relevant that they have not already said. You will also not have the opportunity to give your own evidence in relation to the allegations.

Order of proceedings at a hearing

- 8.7 The purpose of a substantive hearing is for the Committee to consider and make a decision on the allegation that your fitness to practise is impaired.

Applications

- 8.8 The Chair will ask the Presenting Officer, and you, if you wish to make an application before the Committee starts considering the allegations. Examples of preliminary applications can include requests for the hearing to be adjourned, the allegation to be amended, or for all or part of the hearing to be held in private.
- 8.9 If an application is made, the other party will be invited to respond, and the Committee may have questions. The Committee will seek advice from the Legal Adviser and may ask the parties to withdraw while it considers the application. The parties will be called back into the hearing room before the Committee announces its decision.

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Allegations and Admissions

- 8.10 The Chair will open the case by asking the Hearings Officer to read out the particulars of allegation.
- 8.11 The Chair will then ask whether you admit any of the particulars. If any allegations are admitted, the Committee will go on to consider those allegations that have not been admitted.
- 8.12 It will be for the GOC to prove the facts that have been alleged, on the balance of probabilities.

The Facts Stage

- 8.13 First, the Presenting Officer will make an opening statement summarising the case. The Committee will then hear the GOC's evidence, including any witnesses.
- 8.14 Next, you will be invited to make an opening statement and call your evidence, including any witnesses.
- 8.15 The GOC may be allowed to call further evidence (rebuttal evidence) to answer any new matters raised by your evidence.
- 8.16 Where a witness is called, the Chair will invite questions from:
- 8.16.1 The party who called the witness (this is called examination-in-chief);
 - 8.16.2 The other party (this is called cross-examination);
 - 8.16.3 The party who called the witness, for any questions arising out of cross-examination (this is called re-examination); and
 - 8.16.4 The Committee.
- 8.17 The parties will then be able to ask any further questions arising from the Committee's questions.
- 8.18 The Legal Adviser will advise the Committee on the legal issues to be considered and the options that are available.
- 8.19 The Hearings Officer will ask all parties to leave the room while the Committee deliberates in private.
- 8.20 When the Committee has reached its decision on the facts, all parties will be called back to the hearing room and the Chair will read out the Committee's findings.
- 8.21 If the Committee finds that none of the allegations have been proved the proceedings will stop immediately.
- 8.22 If some or all the allegations are found to be proved, the Committee will move to the next stage and consider whether your fitness to practise, undertake training or carry on business is impaired.

The Impairment Stage

- 8.23 The Committee will consider whether there are any grounds that your fitness to practise, undertake training or carry on business is impaired. The main grounds are misconduct, deficient professional performance, criminal conviction / caution or adverse health.

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- 8.24 *Section 13D of the Opticians Act 1989 sets out the statutory grounds on which a Committee can find impairment.*
- 8.25 The Chair will invite the GOC, and then you, to call any evidence on the grounds for impairment. If witnesses are called, they will be questioned in the same order as at the Facts Stage. The GOC, and then you, will be able to address the Committee on whether any of the grounds have been proved.
- 8.26 As with the Facts Stage, the Legal Adviser will advise the Committee on the legal issues.
- 8.27 The Hearings Officer will ask all parties to leave the room while the Committee deliberates in private.
- 8.28 When the Committee has reached its decision on the grounds for impairment, all parties will be called back to the hearing room and the Chair will read out the Committee's findings.
- 8.29 If the Committee has found that there are grounds for impairment, the Chair will invite the GOC, and then you, to call any evidence and address the Committee on whether your fitness to practise, undertake training or carry on business is currently impaired.
- 8.30 As before, the Legal Adviser will advise the Committee and all parties will leave the room while the Committee deliberates. The parties will be called back before the Chair reads out the Committee's findings on whether your fitness to practise is currently impaired.
- 8.31 If the Committee does not find current impairment, it can take no action or it can issue a warning. If a warning is issued, it will be recorded against your registration for a fixed period. The proceedings will stop at that point.
- 8.32 If the Committee does find current impairment, the Committee will move to the next stage and consider whether to impose a sanction.

The Sanction Stage

- 8.33 The Chair will invite the GOC, and then you, to call any evidence and address the Committee on what, if any, sanction should be imposed.
- 8.34 As before, the Legal Adviser will advise the Committee and all parties will leave the room while the Committee deliberates. The parties will be called back before the Chair reads out the Committee's decision on what, if any, sanction should be imposed. Clear reasons are always given.
- 8.35 The main sanctions available to the Fitness to Practise Committee are set out below:
- 8.36 *Sections 13F to 13I of the Opticians Act 1989 set out the orders that the Committee can make.*
- 8.36.1 Erasure (removal) of your name from the Register - unless the hearing concerns your adverse health;
- 8.36.2 Suspension of your name from the Register (i.e. your registration will not have effect);
- 8.36.3 Conditions on your registration (i.e. you must comply with specific conditions in order to remain on the Register) for up to three years;
- 8.36.4 Removal, temporary removal or conditions on your entry in a Specialist Register; and

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8.36.5 Financial penalty (fine) up to £50,000 - unless the hearing concerns your adverse health. The Committee also has jurisdiction to deal with costs.

8.37 All sanctions listed above are appealable through the Courts.

Immediate Orders

8.38 Where the Committee has ordered Erasure, Suspension or Conditions, the Chair will invite the GOC, and then you, to address it on whether there should be an Immediate Order, i.e. whether the order should take effect immediately.

8.39 As before, the Legal Adviser will advise the Committee, and all parties will leave the room while the Committee deliberates. The parties will be called back before the Chair reads out the Committee's decision on whether there should be an Immediate Order.

9. Procedural Hearings

9.1 At any stage of the preparation period, either party can request a procedural hearing before the FTPC. If there are any areas of dispute at the teleconference call(s) the Hearings team can request a procedural hearing.

9.2 These case management meetings are an important part of the case management process. They aim to minimise delays that can arise during the pre-hearing preparation period, which have led to hearing dates being vacated, and at the hearing stage, where valuable time is often spent dealing with preliminary matters which can ordinarily be resolved before the hearing. It is therefore hoped that formal procedural hearings will only rarely be required.

9.3 **What happens if one party is unable to comply with the agreement?**

- a. It will be open to the parties to either seek a telephone meeting or to request a procedural hearing if the above directions cannot be adhered to.
- b. The GOC, the Registrant, or the Hearings team can request a procedural hearing before the FTPC.

10. Application to Adjourn

10.1 If any party is dissatisfied with the hearing date fixed by the Hearings Manager, they are directed to the process set out in Rule 35, unless their request is for an earlier hearing date. If the request is for an earlier hearing date, please see below.

11. Application to Expedite

11.1 If any party wishes to apply to expedite a hearing date, they are directed to the Procedural Hearings process set out in Rule 30. However, where both parties agree to an expedited hearing date, they may apply to the Hearings Manager for the early listing of the case.

12. Costs

12.1 The Fitness to Practise Committee may, as it thinks fit, summarily assess the costs of any party to a substantive hearing or to any review hearing other than a hearing to review an interim order and may order any party to pay all or part of the costs or expenses of any other party relating to that hearing. Parties are directed to Rules 52 and 53 for further information.

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13. Compliance

- 13.1 If you are concerned that the policy is not being adhered to, please contact the hearings scheduling officer who is managing your case in the first instance stating that you have a concern about how the policy is being applied.
- 13.2 Your concern will be addressed via our corporate complaints policy which can be found here: https://www.optical.org/en/Investigating_complaints/index.cfm
- 13.3 The management of the case will be reviewed in light of the concerns you have raised. If it is found that the policy is not being adhered to, action will be taken to ensure that the policy is followed.

14. Annexes

Annex A – Completing the hearing questionnaire

Annex B – Useful contacts

Annex C – Useful links

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14.1 Annex A

Completing the Hearing Questionnaire

- 1.1 Completion of this questionnaire will assist the Hearings team to determine when a substantive hearing of the allegation should take place, how long it will need to last and what steps must be taken before it can be held.
- 1.2 The guidance below will assist parties in completing the hearing questionnaire.

Hearing Questionnaire – Section	Notes
1. Representative's details	To be completed by the parties with the relevant details.
2. Admissions in relation to the particulars of the allegation	To be completed by the registrant You should read these allegations carefully. If you are represented, you should speak to your representative before telling us whether you admit any allegations. If you are not represented, then you may wish to seek legal advice before completing this form.
3. Expediated Hearing	To be completed by the registrant You have four months from the date of GOC disclosure to prepare your case. However, if you wish to apply for an early listing of the case, you are directed to the procedural hearing process set out in Rule 30. If both parties agree to an expediated hearing date, they may apply to the Hearings Manager for the early listing of the case.
4. Agreed Panel Disposal	Agreed Panel Disposal is a hearing management tool that is used by the General Optical Council to identify and process hearings which may be suitable for concluding without a contested hearing. Both parties (the GOC and Registrant) will agree facts, impairment and sanction and will present this to the FTPC by way of a written report. The Agreed Panel Disposal Policy can be found on the GOC website here .
5. Documents in possession of the Presenting Officer	To be completed by the presenting officer The GOC presenting officer will identify and list any documents that they wish to rely on at the hearing. This will be marked as the used bundle. They will also list any documents that are in their possession and that they do not wish to place before the Fitness to Practise Committee. This will be marked as the unused bundle. These would have been provided for the Registrants records. Registrants response It is open to you to request that these documents be provided to the Committee if you think they will assist your case.
6. Access to original documents	To be completed by the registrant Please identify any documents that are listed in the possession of the GOC presenting officer and you wish to inspect the original of?

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7. Documents in possession of the Registrant	<p>To be completed by the registrant Please identify any documents that you wish to disclose at this stage which are in your possession and may be relevant to the allegation.</p>
8. Witnesses (other than expert witnesses)	To be completed by both parties with details of their non-expert witnesses, if known.
9. Expert Witnesses	<p>To be completed by both parties with details of their expert witnesses, if known. This should include the name and profession of such a witness (e.g. optometrist, dispensing optician, ophthalmologist)</p>
10. Preliminary issues	<p>If you know of any preliminary issues upon which you may wish to make submissions, please state the nature of the issues concerned.</p> <p>This will enable the GOC Hearings team to determine whether or not to direct a separate hearing on the issue.</p> <p>(The Committee will make such directions as are appropriate including the possible exchange of skeleton arguments).</p>
11. Health Concerns	<p>To be completed by the registrant This information assists the Council in determining whether or not the presence of a Clinical Adviser will be necessary at the hearing.</p>
12. Reasonable Adjustments	Parties should raise any reasonable adjustments that are required by either party for those attending the hearing (in any capacity).
13. Substantive hearing dates and length of hearing	<p>To be completed by the parties with any dates to avoid, of their expert and non-expert witnesses. This should cover nine months from the date of GOC disclosure.</p> <p>A box is provided for the dates to avoid for the registrant.</p> <p>Reasons for unavailability must be provided so the Hearings Scheduling Officer can give proper consideration as to whether it would be reasonable to list a hearing date that accommodates that person.</p> <p>Parties should enter a hearing length estimate of how many days they think the hearing will take, along with reasons for their estimate.</p> <p><i>Unrepresented registrants are not required to fill this out.</i></p> <p>Parties should take account of all stages of the hearing including:</p> <ul style="list-style-type: none"> • Any preliminary arguments • Presentation of GOC's case and the registrant's case • Submissions impairment and sanction • Committee time for in-camera deliberations and drafting of decisions at the various stages.

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	Parties are encouraged not to be overly cautious with estimates and assist Hearings to minimise lost and wasted hearing days by making realistic time estimates at the outset and advising the Hearings Scheduling Officer of any adjustments to these estimates at the earliest opportunity.
14. Other directions	To be completed by the parties, identifying whether there are any other matters or directions that they wish to be considered (e.g. (Rule 40) – Admissibility of evidence, (Rule 41) – vulnerable witness arrangements (provision of audio-visual equipment.)
15. Participating at the 1 st telephone call	The first call will be scheduled around three months from the date of GOC disclosure. Please provide any dates to avoid for this call.
16. Declaration	To be completed by the parties, confirming that they understand that the information provided in the hearing questionnaire, including any admissions, maybe taken into account by the Fitness to Practise Committee making the final determination of the allegation.

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14.2 Annex B

Non GOC contacts and sources of help/assistance

Solicitors

To find a solicitor, you can search the law society's website:

www.lawsociety.org.uk

Telephone: 020 7320 5650 (lines open Monday to Friday, 9am – 5:30pm)

Barristers

The Bar Pro Bono Unit assists with advice and representation in cases involving a range of legal issues.

You can find more about the Bar Pro Bono unit via their website

www.barprobono.org.uk

Telephone: 020 7092 3960 (lines open Monday, Wednesday and Friday between 10:30am and 2:00pm)

Free Representation Unit

The Free Representation Unit provides free legal advice on employment and social security hearings for people who are not eligible for legal aid and cannot afford a lawyer. They have offices in London and Nottingham.

www.thefru.org.uk

London Office: 020 7611 9555

Nottingham Office: 01158 484 262

Law Centres Federation

Services for people who cannot afford a lawyer

Telephone: 020 7749 9120

www.lawcentres.org.uk

Citizens Advice

Citizens Advice helps people with their legal, money and other problems by providing free, independent and confidential advice.

To find your nearest Citizens Advice Bureau go to

www.citizensadvice.org.uk

You may also find details in your local phone directory

Mind

Providing advice on advocacy for people with mental health issues

15-19 Broadway, Stratford, London, E15 4BQ

Telephone: 020 8519 2122

Email: supporterservices@mind.org.uk

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14.3 Annex C

Useful links

Below are links to some useful and relevant documents

- [Agreed Panel Disposal Policy](#)
- [Committee Constitution Rules 2005](#)
- [General Optical Council \(Fitness to Practise\) Rules Order of Council 2013](#)
- [Hearings and Indicative Sanctions guidance](#)
- [Virtual Tour](#) – 360 virtual tour of a GOC hearing to help you become familiar with the hearing environment and what to expect