

2021 No. 1234

HEALTH CARE AND ASSOCIATED PROFESSIONS

OPTICIANS

**The General Optical Council (Continuing Professional
Development) Rules Order of Council 2021**

Made - - - - *3rd November 2021*

Coming into force - - *1st January 2022*

At the Council Chamber, Whitehall, the 3rd day of November 2021

By the Lords of Her Majesty's Most Honourable Privy Council

The General Optical Council have made the General Optical Council (Continuing Professional Development) Rules 2021 as set out in the Schedule to this Order, in exercise of the powers conferred by sections 11A, 11B(6) and 31A of the Opticians Act 1989(a) ("the 1989 Act").

In accordance with section 34(1) of the 1989 Act, the Rules shall not come into force until approved by Order of the Privy Council.

Citation, commencement and extent

1.—(1) This Order may be cited as the General Optical Council (Continuing Professional Development) Rules Order of Council 2021, and comes into force on 1st January 2022.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

Privy Council approval

2. Their Lordships, having taken the Rules contained in the Schedule to this Order into consideration, are pleased to, and do approve them.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 2

The General Optical Council (Continuing Professional Development) Rules 2021

The General Optical Council, in exercise of their powers under sections 11A, 11B(6) and 31A of the Opticians Act 1989 (“the 1989 Act”) hereby make the following Rules:

PART 1 GENERAL

Citation and commencement

1.—(1) These Rules may be cited as the General Optical Council (Continuing Professional Development) Rules 2021 and will come into force on 1st January 2022.

(2) The General Optical Council (Continuing Education and Training) Rules 2005(a) are revoked with effect from 1st January 2022.

Interpretation

2.—(1) In these Rules—

“administrator” means—

- (a) any person who is for the time being appointed under rule 3(a), or
- (b) in a case falling within rule 3(b), the Council;

“approved event” means a continuing professional development event which is approved under rule 9(1);

“CPD point” means a general CPD point or a specialist CPD point;

“CPD 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 the entry at line A of the Table in rule 10 of the General Optical Council (Registration) Rules 2005(b);

“continuing professional development” and “CPD” mean the scheme for the continuing professional development of registered optometrists and registered dispensing opticians which is administered as specified under rule 3;

“continuing professional development event” means a learning event, lecture, seminar, curriculum or other programme or method of study that is relevant to the needs and professional standards of optometrists or dispensing opticians which is either an approved event provided by a listed provider or an event provided by a person other than a listed provider;

“dispensing optician competencies” means competencies established by the Council as being those which a person needs to be able to demonstrate for the purposes of continuing professional development;

“general CPD point” means a CPD point as specified as such under rule 9(2);

“interactive event” has the meaning given in rule 9(4);

“listed provider” means a person whose application under rule 5 for their name to be added to the list of event providers is granted under rule 8;

(a) S.I. 2005/1473, as amended by the General Optical Council (Continuing Education and Training Rules) (Amendment) Order of Council 2012, S.I. 2012/2882.

(b) S.I. 2005/1478.

“optometrist competencies” means competencies established by the Council as being those which a person needs to be able to demonstrate for the purposes of continuing professional development;

“peer review event” has the meaning given in rule 9(5);

“personal development plan” means a document used by a registrant to plan their learning needs;

“reference number”, in relation to an approved event, means a number allocated to that event under rule 9(1)(b);

“reflection activity” means planned reflection, based on the content of a registrant’s personal development plan, which is documented;

“register” means the register referred to in section 7 of the 1989 Act (registers of opticians) in the form specified in rule 21 of the Registration Rules;

“registrant” means a registered optometrist or registered dispensing optician;

“registrar” means the registrar of the Council referred to in section 1(3) of the 1989 Act (constitution and functions of the Council);

“Registration Rules” means the General Optical Council (Registration) Rules 2005(a);

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

“shortfall in CPD requirements” means a situation where in any relevant period a registrant has failed to obtain the required CPD points required by rules 11 and 12 for that period;

“specialist CPD point” means a CPD point specified as such under rule 9(3);

“specialty” means a specialty or level of proficiency particulars of which may, by virtue of rule 10 of the Registration Rules, be entered in a register against a registrant’s name;

“specialty competencies” means competencies established by the Council as being those which a person needs to be able to demonstrate for the purposes of continuing professional development in order to be permitted to practise that specialty; and

“year” means a calendar year.

(2) In these Rules, references to the type of CPD point specified or obtained in relation to an approved event are references to whether the CPD points specified or obtained for that event are general CPD points or specialist CPD points.

(3) In these Rules any reference to a numbered section is a reference to the section of the 1989 Act.

PART 2

CONTINUING PROFESSIONAL DEVELOPMENT SCHEME

The scheme and the scheme administrators

3. The scheme for continuing professional development referred to in section 11A (requirement for continuing education and training) must be administered by—

- (a) one or more persons who are appointed by the Council to carry out some or all of the functions of administering the scheme, or
- (b) to the extent that no appointment is in force in respect of any one or more such functions, the Council.

(a) S.I. 2005/1478.

Appointment of persons as administrators

4.—(1) Any appointment of a person under rule 3(a) must be made on such terms (including terms as to the duration and termination of their appointment) as the Council consider appropriate.

(2) In addition to terminating the appointment of such a person in the circumstances specified in their terms of appointment, the Council may by notice terminate the appointment before it would otherwise expire if they are at any time satisfied that such a person is unable or unfit to carry out their functions.

PART 3

LISTING OF PROVIDERS AND APPROVAL OF EVENTS

Application to become a listed provider

5.—(1) The Council must maintain a list of event providers.

(2) Any person who wishes to provide an approved event to optometrists or dispensing opticians must apply to the administrator for their name to be entered on the list of event providers for a period of twelve months.

(3) An application must be made in such form (including electronic) as is specified by the Council.

Fee payable for application to be a listed provider

6. A fee of £45 must be paid in respect of each application to become a listed provider.

Application by a listed provider for approval of an event

7.—(1) Subject to paragraph (3), if a listed provider wishes to provide an approved event, they must apply to the administrator for the event to be approved.

(2) An application must be made in such form (including electronic) as is specified by the Council.

(3) The administrator may determine at any time that events run by a listed provider who has previously had an event, or events, approved under paragraph (1) will be permitted to provide approved events without any further applications for approval of an event being required by the listed provider.

Grant or refusal of application to become a listed provider

8.—(1) Where an application under rule 5 has been submitted to the administrator, together with the appropriate fee, the administrator will grant or refuse the application and, if granted, must enter the applicant's name to the list of event providers.

(2) The administrator must notify the applicant of their decision in respect of the application.

(3) A person's entry on the list of event providers must expire at the end of the period of twelve months beginning with the date on which the entry is made.

Grant or refusal of an application for approval of an event

9.—(1) Where an application under rule 7 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 CPD points that a registrant who undertakes the approved event will obtain,

- (ii) whether those points are to be general CPD points under paragraph (2) or specialist CPD points under paragraph (3),
- (iii) each of those competencies established by the Council 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 optician competencies the type of points to be obtained by undertaking that event must be specified as general CPD points.

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

Information to be provided by listed provider

10.—(1) The person who is the listed provider of an approved event must provide to a person who has undertaken the event a statement of—

- (a) the listed provider’s name,
- (b) the number of CPD points that a registrant who undertakes the approved event will obtain,
- (c) whether those points are to be general CPD points or specialist CPD points,
- (d) each of those competencies established by the Council to which the approved event relates,
- (e) whether it is an interactive event or a peer review event, and
- (f) the reference number of the approved event allocated under rule 9(1)(b) (where applicable).

(2) The information required under paragraph (1) must be supplied in such form (including electronic) as is specified by the Council.

PART 4

CPD REQUIREMENTS

Requirement to obtain general CPD points

11.—(1) A registrant must obtain the number of general CPD points determined under paragraph (2).

(2) In respect of each relevant period the required number of general CPD points is—

- (a) the number equivalent to the number of whole months in the relevant period during which the registrant is registered, but
- (b) where the registrant is restored to the appropriate register following an application to which rule 26 applies, for the purposes of sub-paragraph (a) the months prior to the date of restoration are to be disregarded.

(3) The events undertaken for the purposes of obtaining the CPD points required under paragraph (2) must comply with the CPD requirements under rules 13, 14, 15 and 16.

Requirement to obtain specialist CPD points

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

(2) In respect of each relevant period, the required number of specialist CPD 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 specialty throughout the relevant period, the date of the first entry of the first particular of a specialty is the date that is to be used for calculating the number of points,
- (b) if the required number of specialist CPD 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 specialties against a registrant's name in the appropriate register are restored following an application to which rule 27 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 specialty against the registrant's name entered in the appropriate register.

(4) The events undertaken for the purposes of obtaining the CPD points required under paragraph (2) must comply with the CPD requirements under rules 13, 14, 15 and 16.

Requirement to undertake continuing professional development events relating to each competency

13.—(1) The continuing professional development events undertaken for the purposes of obtaining the CPD points within the period specified under each of rules 11, 12, 26 and 27 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 specialty.
- (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 specialty, 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 as they applied on the first day of the relevant period,
 - (b) an approved event relates to a competency if the administrator has specified it as such under rule 9(1)(a)(iii), or the administrator is otherwise satisfied that an event relates to a competency, and
 - (c) a continuing professional development event provided by a person other than a listed provider relates to a competency as determined by the registrant.
- (4) In the application of this rule to rules 26 and 27 “registrant” is construed as a person seeking restoration.

Requirement to undertake interactive events

14. The continuing professional development events undertaken for the purposes of obtaining at least half of the CPD points required within the period specified under each of rules 11, 12, 26 and 27 must be interactive events.

Requirement to undertake peer review events

- 15.—(1) This rule and rule 16 apply to—
- (a) a registered optometrist,
 - (b) a registered dispensing optician,
 - (c) a person seeking restoration as a registered optometrist or a registered dispensing optician,
 - (d) a registrant against whose name particulars of a specialty are entered in the appropriate register, and
 - (e) a person seeking restoration of an entry for a specialty, the particulars of which are to be entered against their name in the appropriate register.
- (2) The continuing professional development events undertaken for the purposes of obtaining the CPD points required within the specified period under rules 11, 12, 26 and 27 by a person to whom this rule applies must include one peer review event, except where paragraph (3) applies.
- (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 person’s name in the appropriate register, or
 - (b) in relation to a specialty, particulars of that specialty were first entered against the person’s name in the appropriate register.
- (4) Where this rule applies to a person 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 26 and 27 “registrant” is construed as a person seeking restoration.

Requirements to undertake reflection activity

16. The registrant must complete one reflection activity during the relevant period.

Calculation of CPD points

17.—(1) This rule applies to calculations made for the purposes of rule 11, 12, 22, 25, 26 and 27 in order to determine the total number of CPD points obtained by a registrant.

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

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

(4) Any contact lens specialist CPD points up to but not exceeding 18 obtained within the specified period under rules 12 and 27 may also be counted as general CPD points under rules 11 and 26 respectively (and accordingly each specialist CPD point may be counted twice).

(5) CPD points which a person obtains in the course of a relevant period in order to make up any shortfall in CPD requirements in respect of the previous relevant period are not to be taken into account for the purposes of rules 11 and 12 for the relevant period in which they are obtained.

(6) CPD points which a person obtains in order to make up any shortfall in CPD requirements in respect of the previous relevant period may be taken into account in both the previous relevant period and the relevant period in which they are obtained for the purposes of rules 26(2) and 27(2).

Obtaining CPD points

18. A registrant who has undertaken an approved event must obtain the number and type of CPD points specified under rule 9(1)(a) for the event.

PART 5 RECORDS

Requirement to keep records: listed providers

19.—(1) Listed providers must keep records of the information provided by them under rule 10(1).

(2) The records must be stored in such form (including electronic) as is specified by the Council.

(3) The records must be retained for at least two complete relevant periods after the end of the period to which the records relate.

Requirement to keep records: the administrator

20.—(1) The administrator must keep records in relation to each approved event of—

(a) the title of the event, its reference number and the listed provider (if any) providing the event, and

(b) the matters specified by the administrator under rule 9(1)(a) for the event.

(2) The records must be stored in such form (including electronic) as is specified by the Council.

(3) The records must be retained for at least two complete relevant periods after the end of the period to which the records relate.

(4) Where the appointment of the administrator comes to an end, that person must, within 28 days of being notified by the Council of the termination of appointment, pass the information stored in the records to the Council.

Requirements to keep records: registrants

21.—(1) The registrant must keep records of each continuing professional development event that the registrant has undertaken.

(2) In relation to each approved event provided by a listed provider, the records must contain the information provided to the registrant under rule 10(1)(b).

(3) In relation to each continuing professional development event provided 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 CPD points applicable,
- (c) each of those competencies established by the Council to which the event related,
- (d) whether it was an interactive event, and
- (e) whether it was a peer review event.

(4) The records must be retained for at least two complete relevant periods after the end of the period to which the records relate.

PART 6

NOTIFICATIONS AND DISPUTES

Notice of possible shortfall

22.—(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 CPD requirements if no further continuing professional development events are undertaken 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 24,
- (c) that unless the registrant undertakes continuing professional development events to meet the CPD 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 specialty, particulars of that specialty 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 specialty (or specialties) as the case may be, may only be restored if the shortfall in CPD 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.

Notification of compliance with CPD requirements

23.—(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 21.

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

Disputes as to compliance with CPD requirements

24.—(1) This rule applies where the information provided by a registrant under rule 23 in relation to the immediately preceding relevant period does not appear to the administrator to meet a CPD requirement.

(2) As soon as reasonably practicable following the end of the relevant period to which the discrepancy relates, the administrator must send a request to the registrant asking them to produce to the registrar for each continuing professional development event in relation to which there is a discrepancy—

- (a) if the event was provided by a listed provider, a copy of the statement provided to the registrant under rule 10(1)(b);
- (b) if the event was provided by a person other than a listed provider, a copy of the records kept under rule 21(3), together with evidence to show the registrant attended the event.

(3) Where the registrant has received a request for information under paragraph (2), the registrant must produce to the registrar within 21 days from receipt of the request copies of the documents requested.

(4) Where the administrator sends a request for information under paragraph (2), the registrant must also send to the registrar—

- (a) a copy of the request for information, and
- (b) a copy of the relevant extract from their records kept in accordance with rule 21.

(5) The number and type of CPD requirements the registrant has obtained must be determined by the registrar within the period of 14 days beginning with the due date for receipt of information under paragraph (3).

(6) In making a determination under paragraph (5) the registrar must take into account the information provided by the registrant under paragraph (3) and that provided by the administrator under paragraph (4).

(7) The registrar must immediately notify the registrant and the administrator of their determination.

PART 7

FAILURE TO COMPLY WITH CPD REQUIREMENTS

Removal of registration or an entry relating to a specialty

25.—(1) Subject to paragraph (2), where in any relevant period a registrant has a shortfall in CPD 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 specialty, particulars of that specialty which are entered against the registrant's name in the appropriate register.

(2) Where rule 24 applies (disputes as to compliance with the CPD requirements), paragraph (1) is not to apply until the registrar has made a determination under rule 24(5) and has notified the registrant under rule 24(7) of that determination.

PART 8
**RESTORATION OF REGISTRATION OR ENTRY RELATING TO A
SPECIALTY**

Restoration of registration

26.—(1) This rule applies where the registrar has received an application for a person's name to be restored to the register under—

- (a) rule 3(1)(b) of the Registration Rules (restoration following removal by the registrar), or
- (b) section 13K(1) (restoration following erasure of a name on a direction of the Fitness to Practise Committee).

(2) In the case of an application to which paragraph (1) applies, an applicant must have obtained—

- (a) 12 general CPD points in the 12 months prior to the month in which the application is received, or
- (b) if the first entry of the applicant's name in the register of optometrists or in the register of dispensing opticians was made in the 12 months preceding the month in which the application is received, a number of general CPD points equivalent to the number of whole months between (and not including) the month in which that first entry was made and the month in which the application is received.

(3) The events undertaken for the purposes of obtaining the CPD points required under paragraph (2) must comply with the CPD requirements under rules 13, 14, and 15.

Restoration of entry relating to a specialty

27.—(1) This rule applies where the registrar has received an application for a person's entry relating to a specialty to be restored to the register under—

- (a) rule 4(1)(b) of the Registration Rules (restoration following removal by the registrar), or
- (b) section 13K(1) (restoration following removal of an entry on a direction of the Fitness to Practise Committee).

(2) Subject to paragraph (3) in the case of an application to which paragraph (1) applies, an applicant must have obtained—

- (a) 6 specialist CPD points in the 12 months prior to the month in which the application is received, or
- (b) if the first entry relating to the specialty against the applicant's name in the register of optometrists or in the register of dispensing opticians was made in the 12 months preceding the month in which the application is received, a number of specialist CPD points equivalent to half the number of whole months between (and not including) the month in which that first entry was made and the month in which the application is received.

(3) Where a person makes an application for restoration of an entry relating to more than one specialty—

- (a) paragraph (2) applies as if the application was for the restoration of just one specialty, and
- (b) for the purposes of paragraph (2)(b) the date of the first entry must be the earliest date upon which an entry for a specialty was made in the 12 month period preceding the month in which the application was received.

(4) If the number of specialist CPD points which must have been obtained, as determined in accordance with paragraph (2), would include any fraction of a whole number, the number of specialist CPD points which must have been obtained is the nearest whole number below the number so determined.

(5) The events undertaken for the purposes of obtaining the CPD points required under paragraph (2) must comply with the CPD requirements under rules 13, 14, and 15.

Given under the official seal of the General Optical Council this 12th day of October 2021.



Anne Wright
Chair of the General Optical Council

Lesley Longstone
Chief Executive and Registrar of the General Optical Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves and gives effect to the General Optical Council (Continuing Professional Development) Rules 2021 (“the Continuing Professional Development Rules”). These Rules revoke and replace the General Optical Council (Continuing Education and Training) Rules 2005. The General Optical Council (Continuing Education and Training Rules) Order of Council 2005 (S.I. 2005/1473) and the General Optical Council (Continuing Education and Training Rules) (Amendment) Order of Council 2012 (S.I. 2012/2882), which approved and gave effect to the 2005 Rules and amendments to it, are superseded.

The Continuing Professional Development Rules provide for a scheme of continuing professional development for registered optometrists and registered dispensing opticians (“registrants”) administered on behalf of the General Optical Council. They set out the requirements for registrants to obtain general and specialist continuing professional development points during each relevant period of three years. They provide for a scheme of approval of events and event providers (“listed providers”), and set out the requirements of listed providers, administrators and registrants to keep records of continuing professional development events.

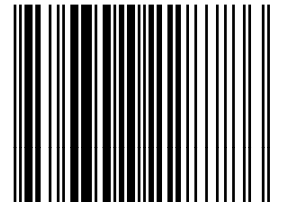
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