



# THE COLLEGE OF OPTOMETRISTS

## Scheme for Registration Regulations

The following definitions will apply to these Regulations:

**“Allotted Time”** means the period of exactly two years and three calendar months, commencing on the date of enrolment by the Trainee on the Scheme for Registration.

**“Appeal form”** means the form a Trainee may choose to use to submit an appeal for a Work-based Assessment or the OSCE. You can submit your appeal through the [‘My College’](#) area of the website once you login.

**“Appeals Panel”** is made up of practising optometrists. The panel that has responsibility for considering appeals and applications made or referred to it in accordance with these Regulations.

**“Appeals Review Panel”** is made up of members of the Education and Standards committee, the Lay Advisory panel, the Board of Trustees and a member of College staff from the Education department. The panel that has responsibility for considering appeals and applications made or referred to it in accordance with these Regulations.

**“Assessment Visits”** means evaluation visits by Assessors to assess Trainees’ competence as part of the Work-based Assessment.

**“Assessors”** means the Stage 1 Assessor, the Stage 2 Assessor and the Senior, Lead and Deputy Lead Assessors.

**“Certificate of Clinical Competence”** means the confirmation from a university that a trainee is competent in the practical skills required as part of the GOC stage one competencies.

**“The Chair”** means the Chair of the relevant panel or their nominee.

**“Chief Executive”** means the Chief Executive of the College of Optometrists.

**“The College”** means the College of Optometrists.

**“College Website”** means the dedicated website of the College of Optometrists found at the following address: <http://www.college-optometrists.org/>

**“Deputy Director of Education”** means the Deputy Director of the Education department of the College or their nominee.

**“Deputy Lead Assessor”** means the College appointed Deputy Lead Assessor who works alongside the Lead Assessor and oversees the work based assessment or their nominee.

**“Director of Education”** means the Director of the Education department of the College or their nominee.

**“Disabled Person”** means a person who has a disability within the meaning of section 6 of the Equality Act 2010

**“Disciplinary Panel”** is made up of practising optometrists. The panel that has responsibility for considering allegations of cheating and misconduct referred by the Director of Education, or their deputy, as described in these regulations.

**“the Equality Act”** means the Equality Act 2010 (and any reference to a statute includes: that statute as amended from time to time; any statute re-enacting or replacing it; and any statutory instruments, regulations or rules made under that statute or any statute re-enacting or replacing it).

**“Examiners”** means the Objective Structured Clinical Examination (OSCE) examiners.

**“Exceptional Circumstances”** means circumstances experienced by a Trainee during the Scheme for Registration which are so exceptional as to justify either an extension to the Allotted Time or the ability to begin the Scheme for Registration one further time.

**“External Verification”** means the independent quality assurance process put in place by the College for work-based assessment and “External Verifier” shall be construed accordingly.

**“Family Friendly Leave”** means maternity leave, adoption leave, paternity leave, shared parental leave or leave following a qualifying surrogacy agreement.

**“Final Assessment Panel”** means the assessment board that is convened following each series of OSCE examinations.

**“GOC”** means the General Optical Council.

**“GOC Stage 1 elements of competence”** means the elements of competence determined by the GOC to be assessed at undergraduate level by a GOC-approved institution.

**“GOC Stage 2 elements of competence”** means the elements of competence determined by the GOC to be assessed at entry level by a GOC-approved institution.

**“Internal Verification”** means the College’s internal quality assurance process for work-based assessment and OSCE. “Internal Verifier” shall be construed accordingly.

**“Lead Assessor”** means the College-appointed Lead Assessor appointed to oversee the Work-based Assessment of Trainees or their nominee.

**“OSCE”** means ‘Objective Structured Clinical Examination’ which forms the final assessment of the Scheme for Registration, and which must be successfully passed by a Trainee before they are able to complete the Scheme for Registration.

**“Pre-registration Period”** means the period from when a person enrolls on the Scheme for Registration, with a registered supervisor, until they pass the Scheme for Registration or are removed from the Scheme or the GOC register of students.

**“Qualifying Surrogacy Arrangement”** means a surrogacy arrangement where the Trainee has either (i) applied for a parental order within the meaning of section 54 of the Human Fertilisation and Embryology Act 2008; or (ii) adopted the child through a UK adoption agency.

**“Reasonable Adjustments”** means the adjustments the College will make to the practical arrangements for work-based assessments or the OSCE in the case of a disability, as defined in the Equality Act, or other relevant condition.

**“Reasonable Adjustments form”** means the online form that a Trainee uses to submit an application for reasonable adjustments to an assessment. This is available on the [‘My College/Scheme for Registration’](#) area of the website once a Trainee is logged in.

**“Schedule of Fees”** means the fees as published by the College from time to time. These are available on the College Website.

**“Scheme for Registration”** means the scheme for assessing pre-registration Trainees to decide whether they have demonstrated the competencies which a person must be able to demonstrate in order to be eligible for registration as a qualified optometrist with the GOC.

**“Senior College Representative”** means the most senior member of the College staff at the OSCE.

**“Stage 1 Assessor”** means the College-appointed assessor contracted by the College to assess the Trainee’s performance in Stage 1 of the Work-based Assessment.

**“Stage 2 Assessor”** means the College-appointed assessor contracted by the College to assess the Trainee’s performance in Stage 2 of the Work-based Assessment.

**“Supervisor”** means the person who undertakes to supervise the Trainee during the Pre-registration Period.

**“Trainee”** means a pre-registration Trainee – it is the designation of a person during the Pre-registration Period.

**“Work-based Assessment”** means the assessment in the workplace in two stages:

[Stage 1](#) is the assessment of the individual GOC [Stage 2](#) elements of competence conducted by the same Assessor [and Stage 2](#) is the synoptic summative assessment of the overarching competencies and the practical assessment of a routine eye examination and soft contact lens fitting and aftercare undertaken by a different Assessor. [Further information regarding the Work-based Assessment can be found on the College Website.](#)

1. These regulations apply from 1 January 2022.

### **Enrolling on the Scheme for Registration**

2. Before a Trainee enrolls on the Scheme for Registration they must have:

- a) successfully achieved registration as a student with the GOC.
- b) at least a lower second class Honours Degree in Optometry or equivalent, approved by the GOC for entry to the Scheme for Registration or successful completion of the GOC's Optometry Progression Scheme or equivalent stage of an integrated MOptom degree.
- c) a valid Certificate of Clinical Competence granted by a GOC-approved undergraduate institution issued within the two years prior to enrolment on the Scheme for Registration.
- d) appropriate supervision arrangements in place [as defined on the College Website](#).

3. The Trainee is not covered by the GOC's 'The Testing Of Sight By Persons Training As Optometrists Rules 1993' and is, therefore, not empowered to test sight under supervision until they have received written confirmation of their enrolment from the College.

### **Registration with the GOC**

4. A Trainee is eligible for registration with the GOC when the College has confirmed in writing that the Trainee has successfully completed the Scheme for Registration.

### **Time allowed to complete the Scheme for Registration**

5. Subject to Regulations 6-13 and Regulation 26, a Trainee will only pass the Scheme for Registration if they successfully pass the OSCE:

- a) within the Allotted Time; and
- b) in no more than four attempts.

If a Trainee does not pass the OSCE before the expiry of the Allotted Time, or does not pass the OSCE in four attempts, the Trainee will not pass the Scheme for Registration.

6. A Trainee can apply to extend the Allotted Time or to restart the Scheme for Registration one further time only in the circumstances set out in Regulations 10-13 and Regulation 26.

7. A Trainee is only able to select one of the two options, namely an extension to the Allotted time or to restart the Scheme for Registration one further time, outlined in Regulation 6; they must choose which option would be most appropriate in their case.

8. A Trainee may only apply to extend the Allotted Time on the Scheme for Registration if they will be or will have been removed from the Scheme for Registration because they have or will have exhausted their Allotted Time.

9. A Trainee who has not passed by the fourth attempt of the OSCE may only request to begin the Scheme for Registration one further time under Regulation 13 and may not apply to extend their Allotted Time to take a further attempt of the OSCE.

### **Extending the Allotted Time on the Scheme for Registration (Disability and Exceptional Circumstances)**

10. The Allotted Time may be extended in the following circumstances:

- a) where the Trainee is a Disabled Person and - as a result of their disability - the Trainee is, or will become, unable to pass the Scheme for Registration in the Allotted Time; and/or
- b) where the Trainee, due to Exceptional Circumstances is, or will become, unable to pass the Scheme for Registration in the Allotted Time.

In the case of an application under Regulation 10a, the Allotted Time may be extended at the absolute discretion of the Appeals Panel or the Appeal Review Panel (as appropriate) for as long as it deems reasonable to ensure the Trainee is not unfairly disadvantaged from attempting to complete the Scheme for Registration. In the case of an application under Regulation 10b, the Allotted Time may be extended at the absolute discretion of the College for as long as the College deems reasonable in view of the Exceptional Circumstances.

11. If a Trainee is awarded an extension to their Allotted Time but then experiences additional Exceptional Circumstances during this extension, then additional time may be added onto this extension, at the absolute discretion of the Appeal Panel or Appeal Review Panel. The application for an additional extension must be submitted to and approved by the Panels. The application must provide:

- a) the reason for an additional extension and the length of the additional extension requested; and
- b) any supporting evidence.

12. A Trainee cannot apply for an additional extension to their already extended Allotted Time if the Exceptional Circumstances occurred outside of this extended time. For example, if an initial extension of seven months is awarded to a Trainee who broke their leg during their original Allotted Time, they cannot request a further extension to this seven months based on the same broken leg if they still have not completed the Scheme for Registration by the end of their extended Allotted Time.

13. During the allotted time the trainee must remain in practice continuously. Trainees must notify the College of Optometrists immediately if they cease to be in supervised practice for any reason. Any gap in supervised practice of more than two years will require completion of a progression course and restart of the Scheme for Registration.

#### **Requesting to restart the Scheme for Registration one further time**

14. A Trainee may apply to restart the Scheme for Registration one further time only, at the absolute discretion of the Appeals Panel or the Appeals Review Panel (as appropriate) in the following circumstances:

- a) where the Trainee is a Disabled Person and - as a result of their disability - the Trainee is, or will become, unable to pass the Scheme for Registration in the Allotted Time or within the maximum four attempts of the OSCE; and/or
- b) where the Trainee, due to Exceptional Circumstances, is or will become, unable to pass the Scheme for Registration in the Allotted Time or within the maximum four attempts of the OSCE.

For reasons of patient safety, the trainee must re-start the Scheme within two years' of their last clinical session or visit as recorded on the Scheme for Registration database.

### **Procedure for applications to extend Allotted Time or restart the Scheme for Registration (Disability or Exceptional Circumstances)**

15. Where a Trainee seeks an extension to the Allotted Time or the option to begin the Scheme one further time, they must submit an application to the Appeals Panel through the College website no less than four weeks before the meeting takes place. Panel meeting dates are published on our website <https://www.college-optometrists.org/qualifying/scheme-for-registration/advice-and-support/examination-and-appeals-panels-dates>

For an extension to the Allotted Time

- a) the reason for an extension and the length of the extension requested; and
- b) any supporting evidence.

To begin the Scheme for Registration one further time

- a) the reason for applying to begin the Scheme for Registration one further time; and
- b) any supporting evidence.

16. The application will be considered by the Appeal Panel in private on the basis of the documents before it. In considering an application, the Appeal Panel may request additional information from:

- a) The Trainee;
- b) The Trainee's Supervisor;
- c) The Assessors;
- d) The Trainee's medical practitioner(s) (providing the Trainee has given consent)
- e) Any other person whom the Appeals Panel at its absolute discretion considers appropriate.

This additional information will be shared with the Trainee and the Trainee will be given the opportunity to submit comments in writing on the information before the meeting.

17. The Appeals Panel has the right to:

- a) refuse an application which is not valid (i.e. applications which clearly do not fall into the circumstances described in Regulation 10 or Regulation 14);
- b) approve an application for extending the Allotted Time, including specifying the length of the extension, or restarting the Scheme for Registration;

18. The Education department will anonymise all applications made under Regulation 10 and Regulation 14.

19. The Education department shall notify the Trainee of the Appeals Panel's decision, as described in Regulation 17 above, by updating the trainees' Application in their MyCollege area,

within five working days of the meeting. If the response is more detailed, a formal letter will be sent by email within five working days of the meeting.

20. A Trainee has a right to appeal to the Appeals Review Panel if they disagree with the Appeals Panel's decision under Regulation 17a to refuse their application. An additional fee will be payable for this as detailed in the Schedule of Fees. Applications for an appeal to go to the Appeals Review Panel will only be considered in the following circumstances:

- a) if there is further evidence, not available at the time of the original Appeal Panel meeting;  
or
- b) if there is evidence that there was some irregularity in the Appeals Panel Process.

21. The application to the Appeals Review Panel should

- a) set out the grounds of appeal; and
- b) Include any further supporting evidence.

22. The Appeals Review Panel will consider in private on the basis of the documents before it.

23. In considering an application or an appeal, the Appeals Review Panel may request additional information in writing from:

- a) The Trainee;
- b) The Trainee's Supervisor;
- c) The Assessors;
- d) The Trainee's medical practitioner(s) (providing the Trainee has given consent)
- e) Any other person whom the Appeals Review Panel at its absolute discretion considers appropriate.

This additional information will be shared with the trainee and the Trainee will be given the opportunity to submit comments in writing on the information before the meeting.

24. The Appeals Review Panel has the right to:

- 1. approve an application for extending the Allotted Time, including specifying the length of the extension or the additional extension, or restarting the Scheme for Registration;
- 2. refuse an appeal.

25. The decision of the Appeals Review Panel is final.

26. Where a Trainee is awarded an extension or an additional extension to the Allotted Time or the chance to restart the Scheme for Registration one further time following health related matters, the Appeals Panel and/or Appeals Review Panel may require a statement from the GP or other relevant medical specialist to confirm that the Trainee is a) fit to return to practise and b) whether any reasonable adjustments area required.



27. Any Trainee who fails to complete the Scheme for Registration, and who is not awarded an extension or the right to restart the Scheme for Registration one further time, will have to seek advice from the GOC in order to confirm whether they can be reassessed in the GOC's Stage 1 elements of competence before enrolling one further time on the Scheme for Registration.

### **Extending the Allotted Time on the Scheme for Registration (Family Friendly Leave)**

28. The Allotted Time may also be extended by the College on the basis of Family Friendly Leave, when the following will apply:

- a) A Trainee who plans to take Family Friendly Leave during the Pre-registration Period must submit written evidence from their employer to the Deputy Director of Education to confirm the start date of the leave. The Trainee must contact the Deputy Director of Education or their nominee upon returning to work to provide the end date of their leave.
- b) A Trainee who takes Family Friendly Leave after enrolling on the Scheme for Registration will be allowed to extend the Allotted Time by the same length of time as their Family Friendly Leave, normally up to 52 weeks. For example, a Trainee who takes 33 weeks' Family Friendly Leave will be entitled to extend their time on the Scheme for Registration by 33 weeks. This is subject to the provision of appropriate evidence.
- c) A Trainee who is a partner (which, for the avoidance of doubt includes biological and adoptive fathers and husbands, civil partners, and partners of either sex who live with the primary care giver in a family relationship) who takes shared parental leave, in addition to the statutory two weeks' paternity leave after enrolling on the Scheme for Registration will be allowed to extend the Allotted Time by the same length of time as their combined paternity and shared parental leave up to a maximum of 50 weeks, dependent on the amount of Family Friendly Leave the mother or primary adopter takes. For example if the mother or primary adopter takes 39 weeks and the Trainee who is a partner takes 13 weeks' leave, the Trainee who is a partner will be entitled to extend their time on the Scheme for Registration by 13 weeks. For the avoidance of doubt, this also applies to Trainees who are partners who take adoption leave. This is subject to the provision of appropriate evidence.

### **Language of the Scheme for Registration**

29. All aspects of the Scheme for Registration will be carried out in the English language.

### **Reasonable adjustments**

30. The College will make reasonable adjustments to assessments on the Scheme for Registration in accordance with section 20 of the Equality Act 2010 for any Trainee who is a Disabled Person.

31. Any Trainee who is a Disabled Person or who becomes a Disabled Person is to inform the College of their disability at the earliest opportunity by completing the Reasonable Adjustment Form via the 'My College' area on the College website or by such means as may be appropriate.

32. Where the College receives information (other than under Regulation 30) which indicates a Trainee may be a Disabled Person, the College may conduct such further enquiries as are reasonable and proportionate in order to establish whether the College has a duty under Regulation 28.



33. Any Trainee who is a Disabled Person and feels that the arrangements for the Work-based Assessments and/or OSCE will cause them a substantial disadvantage as a result of their disability may apply no less than 6 weeks before the assessment to the Deputy Director of Education, for reasonable adjustments to be made. The Trainee may use the [Reasonable Adjustments form provided on the "My College" area of the College Website](#) setting out:

- a) The nature of the Trainee's disability, together with supporting medical evidence and/or an educational psychologist's report written after the Trainee's 18th birthday; and
- b) The adjustment(s) the Trainee wishes to be made (if identifiable).

34. Where a Trainee does not apply under Regulation 33, but the College is nevertheless aware that the Trainee is a Disabled Person, the Deputy Director of Education shall consider whether it is necessary for any reasonable adjustments to be made to the Work-based Assessments and/or OSCE in order to prevent that Trainee from experiencing any substantial disadvantage as a result of their disability.

35. For the purposes of making a decision the Deputy Director of Education may request additional information from:

- a) The Trainee;
- b) The Trainee's Supervisor;
- c) The Trainee's university
- d) The Assessor(s);
- e) The Trainee's medical practitioner(s) (providing the Trainee has given consent)
- f) Any other person whom the Deputy Director of Education at his or her absolute discretion considers appropriate.

36. The Deputy Director of Education shall notify the Trainee of their decision and reasons via the My College area of the College website as soon as reasonably practicable. Where such notification concerns a decision under Regulation 32 or 33 it shall include details of what adjustments, if any, can reasonably be made.

37. Any Trainee who is dissatisfied with the Deputy Director of Education's decision as notified under Regulation 36 may ask for the Appeals Review Panel to review the matter. Any request for a review should be made in writing or email or by such other means as may be appropriate as soon as reasonably practicable.

38. Following receipt of a request for a review under Regulation 36 or the College having become aware that the Trainee is a Disabled Person under Regulation 31:

- a) The Trainee shall have an opportunity to make further representations to the Appeals Review Panel in writing;
- b) The Panel may request additional information from those individuals referred to in Regulation 34; and
- c) The Panel shall decide whether it is necessary for any reasonable adjustments to be made and, if so, what adjustments, if any, can reasonably be made.

39. The Panel shall notify the Trainee of their decision and reasons including details of what adjustments, if any, can reasonably be made in writing or by such other means as may be appropriate as soon as reasonably practicable.

40. Subject to compliance with the Equality Act, nothing in Regulations 30-39 above shall be read as implying that the College will allow any adjustment to the competence requirements of the Work-based Assessments and/or OSCE on the grounds of disability.

41. Trainees with visual impairments that effect their ability to undertake assessments but would not be considered a disability under the act are advised to submit reasonable adjustment requests, as outlined above, as soon as possible for these to be considered during assessments.

42. The College will not consider any request from a Trainee for reasonable adjustments on the basis of temporary personal circumstances (which are not a disability under the Act) which the Trainee considers might affect their ability to undertake the Work-based Assessments and / or OSCE.

#### **Work-based assessment**

43. The College will allocate a Stage One Assessor to each Trainee, who will assess the Trainee in their workplace throughout Stage One. Work Based Assessments at Stage Two will be delivered by college allocated assessors but will not necessarily be the same assessor for each element.

44. The Trainee is entitled to up to four Stage One visits and a single attempt at each of the three parts (overarching competencies, contact lens fitting and routine eye test) of the Stage Two Assessment as part of the enrolment fee. The Trainee must pay a fee for any further Assessment Visits as set out in the Schedule of Fees in force at the time.

#### **Cancellation**

45. If an assessment visit cannot take place because there is no adequate supervision arrangement or the trainee is not present or because the trainee cannot provide the patients, records or other material necessary for the assessment to be carried out, the trainee must pay the fee for the assessment visit as set out in the Schedule of Fees in force at the time. For a Stage One assessment, a trainee must provide one weeks' notice of cancellation or the College reserves the right to raise a cancellation charge. The College does not normally allow cancellation or rearrangement of Stage Two assessments. If a Stage Two assessment is cancelled or rearranged, a trainee will be charged 50% of the assessment fee if more than two weeks' notice is given. If less than two weeks' notice is given, the full assessment charge will be payable. The trainee will be exempt from this fee if they can provide medical evidence showing the trainee was ill at the time of the visit, or the supervisor can provide medical evidence showing the supervisor was ill at the time of the visit.

#### **Cheating and misconduct in Work-based Assessment**

46. For the purposes of these Regulations, "cheating" in the Work-based Assessments includes:

- a) Falsifying evidence for the Work-based Assessment.
- b) Copying, stealing, appropriation or use of the work of another as evidence for the Work-based Assessment.

- c) Permitting or assisting another to copy or use one's own work as evidence for their assessment.
- d) Using, attempting to use, assisting another to use or attempting to assist another to use any other unfair, improper or dishonest method to gain advantage in any part of the assessment process.

47. For the purposes of these Regulations, "misconduct" in relation to the Work-based Assessments includes writing in or attaching to any papers, or giving orally or electronically, any message or appeal to the Assessor with the intention of influencing their decision.

48. Where an Assessor or other complainant suspects a Trainee of cheating or misconduct they should report the matter promptly to the Lead Assessor.

49. Upon receipt of an allegation of cheating or misconduct, the Lead Assessor will decide upon examination of the initial evidence whether the allegation should be investigated and, if so, what form the investigation should take.

50. The Lead Assessor will write to the trainee, the supervisor and the assessor informing them that the allegation has been received and what will happen next, including (but not necessarily limited to):

- a) Whether:
  - a. the allegation will be investigated to obtain more details before it is referred to the Disciplinary Panel; or
  - b. the allegation will be referred straight to the Disciplinary Panel with such details as are available; or
  - c. no action will be taken by the College in relation to the allegation; and
- b) Requesting a written statement from the Trainee of observations on the allegation.

51. If the Director of Education or Lead Assessor decides that it is appropriate to investigate the allegation before it is referred to the Disciplinary Panel, the investigation will be carried out by the Lead Assessor, or a nominee appointed by the College, and another qualified optometrist appointed by the College.

52. The investigation by the College will depend on the nature of the allegations raised.

- a) The investigation will include consideration of the trainee's written observations and may include obtaining written and/or oral evidence from the complainant, the trainee, the practice, the supervisor, the assessor, and/or other persons and examine other evidence such as patient records and other written materials.
- b) If the Trainee is interviewed by the investigators, the trainee may be accompanied by one other person.
- c) The length of the investigation will usually depend on the complexity and seriousness of the allegations. The investigation will be completed as efficiently as reasonably practicable. It is expected that it will normally be completed within 28 days of the letter being sent informing the trainee that an allegation has been made; however, it is recognised that this may not be possible in all cases. For the avoidance of doubt, the additional duration of an investigation over the 28 day period will not invalidate it in any way.

- d) The College will make reasonable efforts to ensure the trainee, the supervisor and the Assessor are kept informed of progress. The complainant may also be kept informed, depending upon interest in the matter.

53. At the end of the investigation the details of the investigation, including the trainee's written observations on the findings and any recommendations of the investigators, will be referred to a meeting of the Disciplinary Panel. For the avoidance of doubt, the Disciplinary Panel members are not bound to follow the investigators' recommendations.

54. Upon receipt of details of a case, the Disciplinary Panel will meet in private to decide on the basis of the documents before it whether there is a case to answer.

- a) If they decide there is no case to answer, no further action will be taken by the College.
- b) If they decide there is a case to answer, but that the case is not of sufficient severity to be referred to the GOC for consideration under its Fitness to Practise procedures, the members of the Disciplinary Panel will require the trainee to be reassessed in such competencies as they think fit.
- c) If they decide there is a case to answer of sufficient severity, the case will be referred to the GOC for consideration under its Fitness to Practise procedures and the members of the Disciplinary Panel will require the Trainee to be reassessed in such competencies as they think fit, pending the outcome of the GOC's procedures. It is possible that the trainee will be removed from the Scheme for Registration until the outcome from the GOC is known.

55. The Trainee, the Supervisor and the Assessor will be informed in writing of the decision of the members of the Appeals Panel. The complainant may also be informed, depending upon his or her interest in the matter and at the discretion of the College.

56. A Trainee has a right to appeal to the Appeals Review Panel if they disagree with the Disciplinary Panel's decision under Regulation 51 to refuse their application. An additional fee will be payable for this as detailed in the Schedule of Fees. Applications for an appeal to go to the Appeals Review Panel will only be considered in the following circumstances:

- a) if there is further evidence, not available at the time of the original Appeal Panel meeting;  
or
- b) if there is evidence that there was some irregularity in the Appeals Panel Process.

57. The application to the Appeals Review Panel should

- a) set out the grounds of appeal; and
- b) Include any further supporting evidence.

58. The Appeals Review Panel will consider in private on the basis of the documents before it.

59. In considering an application or an appeal, the Appeals Review Panel may request additional information in writing from:

- a) The Trainee;
- b) The Trainee's Supervisor;

- c) The Assessors;
- d) The Trainee's medical practitioner(s) (providing the Trainee has given consent)
- e) Any other person whom the Appeals Review Panel at its absolute discretion considers appropriate.

This additional information will be shared with the trainee and the Trainee will be given the opportunity to submit comments in writing on the information before the meeting.

60. The Appeals Review Panel has the right to:

- a) approve an application for extending the Allotted Time, including specifying the length of the extension or the additional extension, or restarting the Scheme for Registration;
- b) refuse an appeal.

61. The decision of the Appeals Review Panel is final.

#### **Work-based assessment complaints**

62. This section of the Regulations only covers complaints. A Trainee wishing to appeal their Work-based Assessment results should follow the Appeals process set out in Regulations 76 to 91.

63. A Trainee or Supervisor who wishes to make a complaint about any aspect of the Work-based Assessment must submit a written report to the Lead Assessor within 28 days of the event.

64. The Lead Assessor will investigate the complaint and respond to the complainant as soon as practicably possible. The Lead Assessor will have the right to contact the Supervisor(s), Assessor(s) and/or the store manager or director of the Trainee's Work-based Assessment placement in relation to the complaint. A complaint will not result in a reconsideration of the Work-based Assessment result.

#### **OSCE: Applying for the OSCE**

65. A Trainee is only eligible to enter the OSCE when they have completed to the satisfaction of their Assessors Stages 1 and 2 of the Work-based Assessment and has logged sufficient patient encounters as detailed on the College website <https://www.college-optometrists.org/qualifying/scheme-for-registration/trainee-logbook/logging-your-patient-encounters>

Trainees who are qualified Dispensing Opticians (DO) or Contact Lens Opticians (CLO) can log fewer patient encounters but must pass any dispensing-related elements of competence in both the work-based assessment and the OSCE.

66. A Trainee must have no outstanding fees against their account before sitting the OSCE. A Trainee with outstanding fees will not be permitted to sit the OSCE.

#### **OSCE: Cancellation**

67. If a Trainee contacts the College at least seven working days before the date of an OSCE to cancel his or her place on that OSCE, the Trainee:

- a) will be transferred to the next OSCE, providing this still falls within the Trainee's Allotted Time; and
- b) will be exempt from paying a resit fee with regard to the next OSCE (as detailed in the Schedule of Fees).

### **OSCE: Attendance**

68. For a Trainee who does not attend the OSCE in which they have a place and who has not cancelled their place at least seven working days in advance, their non-attendance will be recorded as a failed attempt and they will have to pay resit fees when they apply for the OSCE again. These fees will be in accordance with the Schedule of Fees in force at the time.

69. For a Trainee who can provide medical evidence stating that they were ill on the days of their assessment and were therefore unable to attend or had to leave the assessment before completion, there will be no additional fee when they apply again and the attempt will not be counted.

70. A Trainee who feels unwell during any section of the OSCE must inform the Senior College Representative present. Should the Trainee choose to continue with the assessment they will be marked in the usual way and they cannot use this as the basis for an appeal after the examination. If the Trainee does not attempt the examination then Regulations 59 and 60 shall apply. Marks and feedback will not be given to candidates who only partially complete an assessment because of illness.

71. If a Trainee arrives late for the OSCE, it is at the discretion of the Senior College Representative whether to allow the Trainee to sit the assessment on that day. Where the decision is taken to cancel, Trainees will be deemed to have been absent and Regulation 59 shall apply.

### **OSCE: Cheating and misconduct**

72. For the purposes of these Regulations, "cheating" in the OSCE includes:

- a) Copying, stealing, appropriation or use of the work of another during or outside the examination.
- b) Permitting or assisting another to copy or use one's own work during or outside the examination.
- c) Taking into the OSCE any unauthorised material or aids.
- d) Using, attempting to use, assisting another to use or attempting to assist another to use any other unfair, improper or dishonest method to gain advantage in any part of the examination process. For the avoidance of doubt, the use or possession by any Trainee of any papers, answer sheets or other examination material from a previous examination will be considered cheating.

73. For the purposes of these regulations, "misconduct" in relation to the OSCE includes:

- a) Conduct in an Examination Centre which an Examiner, Invigilator or other member of staff appointed by or on behalf of the College to control the conduct of Trainees thinks is causing disturbance to other Trainees or affecting the proper running of the examination.
- b) Communicating or attempting to communicate with any other Trainee during the course of an examination.

- c) Removing from the Examination Centre any papers, answer sheets or other examination materials or making or removing copies of any part of such papers, answer sheets or examination materials.
- d) Writing in or attaching to any papers, or giving orally or electronically, any message or appeal to the Invigilator or Examiner with the intention of influencing his or her decision.
- e) The theft or concealment of any material which is the property of the College or the Examination Centre.
- f) Providing and/or disseminating information in any way, including on social media, about the examination content with a view to assisting current or prospective Trainees whether before or after the examination.

74. Where an Examiner, Invigilator or other member of staff suspects a Trainee of cheating or misconduct, they shall report the matter promptly to a Senior College Representative who will refer to the Director of Education. Upon receipt of an allegation of cheating or misconduct, the Director of Education will write to the Trainee informing them that the allegation has been received and what will happen next, including (but not necessarily limited to):

- a) Whether:
  - a. the allegation will be investigated to obtain more details before it is referred to the Disciplinary Panel; or
  - b. the allegation will be referred straight to the Disciplinary Panel with such details as are available; or
  - c. no action will be taken by the College in relation to the allegation; and
- b) Requesting a written statement from the Trainee of his or her observations on the allegation.

75. If the Director of Education decides that it is appropriate to investigate the allegation before it is referred to the Disciplinary Panel, the investigation will be carried out by the Deputy Director of Education at the College, who will obtain written evidence from the complainant, the Trainee, the Examiner and/or other persons and examine other evidence such as written materials.

76. The length of the investigation will usually depend on the complexity and seriousness of the allegations. The investigation will be completed as efficiently as reasonably practicable. It is expected that it will normally be completed within 28 days of the letter being sent informing the Trainee that an allegation has been made; however, it is recognised that this may not be possible in all cases. For the avoidance of doubt, the additional duration of an investigation over the 28 day period will not invalidate it in any way.

77. The College will make reasonable efforts to ensure the Trainee is kept informed of progress. The complainant may also be kept informed, depending upon his or her interest in the matter.

78. At the end of the investigation the details of the case, including the Trainee's written observations on the findings and any recommendations of the investigators, will be referred to a meeting of the Disciplinary Panel. For the avoidance of doubt, the Disciplinary Panel members are not bound to follow the investigators' recommendations.

79. Upon receipt of details of a case, the Disciplinary Panel will meet in private to decide on the basis of the documents before it whether there is a case to answer.

- a) If they decide there is no case to answer, no further action will be taken by the College.



- b) If they decide there is a case to answer, either:
  - a. The result in the OSCE will be annulled, or
  - b. The Trainee will be referred to the GOC for consideration under its Fitness to practise procedures and the College will require the Trainee to be reassessed as it thinks fit, pending the outcome of the GOC's procedures.

80. The Trainee will be informed in writing of the decision of the members of the Disciplinary Panel. The complainant may also be informed, depending upon his or her interest in the matter and at the discretion of the College. The Trainee can appeal this decision by applying to the Appeals Review panel.

#### **OSCE: Adverse Circumstances which affect the conduct of the OSCE**

81. If any adverse circumstances affect the conduct of the OSCE for any Trainees, for example, a fire alarm is sounded, the Senior College Representative at the OSCE will take such action as they think fit. After the OSCE, the Final Assessment Panel will consider the effect of the circumstances and take any further action it thinks appropriate.

#### **OSCE: Complaints**

82. This section of the Regulations only covers complaints which do not relate to reconsideration of a Trainee's results. Trainees wishing to have OSCE results reconsidered should follow the Appeal process set out in Regulations 77 to 100.

83. A Trainee who wishes to complain about any aspect of the OSCE should submit a written report to the Deputy Director of Education within 28 days of the OSCE. A complaint will not result in a reconsideration of the assessment result.

84. The Deputy Director of Education will investigate and respond to the complaint as soon as practicably possible.

#### **OSCE and Work Based Assessment Appeals**

85. A Trainee who reasonably believes that a procedural and/or administrative irregularity may have occurred in the College's Work based Assessment or OSCE may make an appeal.

86. A completed Appeal form must be submitted through the My College area of the College website within 28 days of the notification of the examination or assessment results. The appeal fees must also be received by the College within this 28 day period.

87. The College will acknowledge receipt of the appeal in writing within 5 working days. As part of this acknowledgment, it may also request additional details or information in relation to the Trainee's appeal.

88. An Appeal can only be made if the Trainee reasonably believes that there were procedural or administrative irregularities or mistakes in the conduct of the Work-based Assessment or OSCE, which were of such a nature as to cause reasonable doubt about whether the Examiners or Assessor would have reached the same conclusions had the irregularities not occurred. An Appeal cannot be made against examiner judgment i.e. a Trainee's unsubstantiated opinion that they have been marked harshly or incorrectly by an Examiner or Assessor will not constitute valid grounds for making an appeal.

89. The fees for each appeal are set out in the Schedule of Fees in force at the time. Payment must be made in sterling drawn on a UK bank. Payment may be made by debit or credit card

online through the College website. Appeals will not be considered until payment has been cleared. The Education team will anonymise all appeals.

90. In the first instance, the appeal will be considered by the Appeals Panel. The Appeals Panel has the right to request information from Trainees, Supervisors, Assessors and Examiners (to the same degree as the Appeals Review Panel). This additional information will be shared with the Trainee and the Trainee will be given the opportunity to comment on the information before the meeting.

91. The Appeals Panel will meet in private and decide on the basis of the documents before it whether to:

- a) uphold the appeal, and allow a free resit of the Work-based Assessment or OSCE, if it believes from the evidence an irregularity or mistake has occurred;
- b) refuse the appeal if it believes there is no evidence an irregularity or mistake has occurred;
- c) refer the appeal to the Appeal Reviews Panel, where the Appeal Panel, in its absolute discretion, considers it appropriate.

92. The Deputy Director of Education shall notify the Trainee of the Appeals Panel's decision in writing and by email within 5 working days of the meeting.

93. If a Trainee wishes to appeal the decision of the Appeals Panel, they can appeal to the Appeals Review Panel by submitting a full written statement of the appeal which sets out the grounds for the appeal. An additional fee will be payable for this as detailed in the Schedule of Fees. Applications for an appeal to go to the Appeals Review Panel will only be considered in the following circumstances:

a) if there is further evidence, not available at the time of the original Appeal Panel meeting; or

b) if there is evidence that there was some irregularity in the Appeals Panel Process.

94. If an appeal is referred to the Appeals Review Panel, the appeal will be considered at the next meeting.

95. Before coming to a decision, the Appeals Review Panel may ask anyone involved in the appeal for their observations and may refer the appeal for comment to those immediately concerned with examining or assessing the Trainee.

96. The Appeals Review Panel may request information and make queries from Trainees, Supervisors, Assessors and Examiners; This additional information will be shared with the trainee and the trainee will be given the opportunity to comment on the information before the meeting.

97. The Appeals Review Panel will meet in private and decide on the basis of the documents before it whether to:

- a) uphold the appeal, and overturn the result of the Work-based Assessment or OSCE, if it believes from the evidence an irregularity or mistake has occurred;

- b) uphold the appeal, and allow a free resit of the Work-based Assessment or OSCE, if it believes from the evidence an irregularity or mistake has occurred;
- c) refuse the appeal if it believes there is no evidence an irregularity or mistake has occurred;

98. If the Appeals Panel or Appeals Review Panel dismisses an appeal, the fee outlined in Regulation 77 will not be returned to the Trainee but, if the Appeals Panel or Appeals Review Panel upholds an appeal, the appeal fee will be returned to the Trainee.

99. If the Appeals Panel or Appeals Review Panel decides to allow a Trainee to resit the OSCE:

- a) the OSCE during which the irregularity or mistake occurred will not count towards the Trainee's total number of OSCE attempts; and
- b) The Trainee will be eligible to apply for an extension of their Allotted Time for Exceptional Circumstances if the next OSCE sitting is outside their Allotted Time or it means that the trainee would have a reduced number of attempts.

100. The decision of the Appeals Review Panel is final with regard to appeals.

### **Quality assurance arrangements**

Assessors are thoroughly trained in assessing trainees against the competencies using all of the evidence types. Assessors are supported in integrating Reasonable Adjustments into their approach.

Assessors have attended regular training sessions and been issued with College guidance ensuring a consistent approach to conducting assessment visits.

The College conducts observations of assessors with senior assessors joining the virtual assessment, conducting interviews with trainees and inspections of assessors' written assessment reports. This is in line with our established quality assurance processes.

The College will undertake a regular review of Scheme for Registration progress and identify any refinements or additional information needs.

### **Monitoring, review and evaluation arrangements**

The College has put in place arrangements for the active monitoring, review and evaluation of arrangements for the assessment visits, their conduct and emergent issues relating to trainees' progression.

Emergent issues, learning and good practice arising from the implementation of the modified assessment arrangements in the Scheme will form a focus of College meetings with its senior assessors.

The College's Scheme Performance Panel will receive reports on emergent issues, trends and learning, and broader issues emerging from the Scheme and trainee progression.