Scheme for Registration Regulations

These are the Regulations that govern the Scheme for Registration. You should read them carefully, in conjunction with the Scheme for Registration handbook, so that you understand the procedures. You must abide by them.

Definitions
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. A copy of the form is available on the College Website.

“Appeals 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 Lead and Deputy Lead Assessor.

“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 Appeals Panel or their nominee.

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

“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 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.
"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).

“Examinations Panel” is the panel made up of the Lead Assessor or the Deputy Lead Assessor, a member of the College’s Board of Trustees and the Head of Assessment that considers applications and appeals made to it in accordance with these Regulations.

“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.

“Head of Assessment” means the Head of Assessment in the Education department of the College or their nominee.

“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 he or she is 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.

“**Reasonable Adjustments form**” means the form a Trainee may choose to use to submit an application for reasonable adjustments to an assessment. A copy of the form is available on the College Website.

“**Schedule of Fees**” means the fees as published by the College from time to time. They 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 formative 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.

**Scope**
1. These regulations apply from 8 January 2018.

**Enrolling on the Scheme for Registration**
2. Before a Trainee enrols 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.
c) a valid Certificate of Clinical Competence granted by a GOC-approved undergraduate institution.

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 Examinations Panel or the Appeals 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 Appeals Panel. The application for an additional extension must be submitted to and approved by the Appeals Panel. 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.

Requesting to restart the Scheme for Registration one further time
13. A Trainee may apply to restart the Scheme for Registration one further time only, at the absolute discretion of the Examinations Panel or the Appeals 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.

Procedure for applications to extend Allotted Time or restart the Scheme for Registration (Disability or Exceptional Circumstances)
14. 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 Examinations Panel not less than four weeks before the meeting takes place.

   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.

15. The application will be considered by the Examinations Panel in private on the basis of the documents before it. In considering an application, the Examinations 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)

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e) Any other person whom the Examinations 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.

16. The Examinations 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 13);
   b) approve an application for extending the Allotted Time, including specifying the length of the extension, or restarting the Scheme for Registration;
   c) refer a more complex application to the Appeals Panel where the Examinations Panel, in its absolute discretion, considers it appropriate.

17. The Education department will anonymise all applications made under Regulation 10 and Regulation 13.

18. The Education department shall notify the Trainee of the Examinations Panel’s decision, as described in Regulation 16 above, in writing and by email within 5 working days of the meeting.

19. A Trainee has a right to appeal to the Appeals Panel if they disagree with the Examinations Panel’s decision under Regulation 16a to refuse their application. The application to the Appeals Panel should:
   a) set out the grounds of appeal; and
   b) Include any further supporting evidence.

20. The Appeals Panel will consider in private on the basis of the documents before it:
   a) An application referred to it by the Examinations Panel under Regulation 16c
   b) An Appeal made by a Trainee under Regulation 19
   c) An Application for an additional extension to the Allotted Time made by a Trainee under Regulation 11.

21. In considering an application or an appeal, the Appeals 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 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.

22. The Appeals Panel has the right to:
   a) refuse an application (either referred to it under Regulation 16c or made by a Trainee under Regulation 11)
   b) 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;
   c) refuse an appeal

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d) uphold an appeal and, if it relates to an extension to the Allotted Time, specify the length of the extension.

23. The decision of the Appeals Panel is final.

24. 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 Examinations Panel and/or Appeals Panel will have received a statement from the GP or other relevant medical specialist to confirm that the Trainee is fit to return to practise.

25. 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)

26. 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 Head of Assessment to confirm the start date of the leave. The Trainee must contact the Head of Assessment 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 mother 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

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

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

29. 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 in writing or by such means as may be appropriate.

30. Where the College receives information (other than under Regulation 29) 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.

31. 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 within a reasonable timeframe to the Director of Education, for reasonable adjustments to be made. The Trainee may use the Reasonable Adjustments form provided on the College Website or may submit an application in writing, 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).

32. Where a Trainee does not apply under Regulation 31, but the College is nevertheless aware that the Trainee is a Disabled Person, the 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.

33. For the purposes of making a decision the 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 Director of Education at his or her absolute discretion considers appropriate.

34. The Director of Education shall notify the Trainee of their decision and reasons) in writing or email or by such other means as may be appropriate as soon as reasonably practicable. Where such notification concerns a decision under Regulation 31 or 32 it shall include details of what adjustments, if any, can reasonably be made.

35. Any Trainee who is dissatisfied with the Director of Education’s decision as notified under Regulation 34 may ask for the Chair 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.

36. Following receipt of a request for a review under Regulation 35 or the College having become aware that the Trainee is a Disabled Person under Regulation 30:

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a) The Trainee shall have an opportunity to make further representations to the Chair in person or by any other convenient means;
b) The Chair may request additional information from those individuals referred to in Regulation 33; and
c) The Chair shall decide whether it is necessary for any reasonable adjustments to be made and, if so, what adjustments, if any, can reasonably be made.

37. The Chair 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.

38. Subject to compliance with the Equality Act, nothing in Regulations 28-37 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.

39. 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
40. The College will allocate a Stage 1 and a Stage 2 Assessor to each Trainee, who will assess the Trainee in their workplace.

41. The Trainee is entitled to up to four Stage 1 and one Stage 2 Assessment Visits 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
42. 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 1 assessment, a Trainee must provide 1 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 2 assessments. If a Stage 2 assessment is cancelled or rearranged, a Trainee will be charged 50% of the assessment fee if more than 1 weeks’ notice is given. If less than 1 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
43. 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.

44. 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.

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

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

47. The Director of Education 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:
   i. the allegation will be investigated to obtain more details before it is referred to the Appeals Panel; or
   ii. the allegation will be referred straight to the Appeals Panel with such details as are available; or
   iii. 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.

48. If the Director of Education decides that it is appropriate to investigate the allegation before it is referred to the Appeals 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.

49. 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.
50. 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 Appeals Panel. For the avoidance of doubt, the Appeals Panel members are not bound to follow the investigators’ recommendations.

51. Upon receipt of details of a case, the Appeals 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 Appeals 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 Appeals Panel will require the Trainee to be reassessed in such competencies as they think fit, pending the outcome of the GOC’s procedures.

52. 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.

53. This section of the Regulations only covers complaints which do not relate to reconsideration of a Trainee’s results. A Trainee wishing to have their Work-based Assessment results reconsidered should follow the Appeals process set out in Regulations 76 to 91.

54. 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.

55. 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.

56. 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 undertaken:
   a) at least 350 refractions;
   b) 250 dispensing episodes;
   c) 20 contact lens fitting episodes; and
   d) 40 contact lens aftercare episodes.
Trainees who are qualified Dispensing Opticians are exempt from the 250 dispensing episodes required in the Work-based Assessment but must pass any dispensing-related elements of competence in both the work-based assessment and the OSCE.

57. 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.

Cancellation

58. 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).

Attendance

59. For a Trainee who does not attend the OSCE in which they have a place and who has not cancelled their place at least one week 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.

60. 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.

61. 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.

62. 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.

Cheating and misconduct at the OSCE

63. 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.
64. 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.

65. Where an Examiner, Invigilator or other member of staff suspects a Trainee of cheating or misconduct, they shall report the matter promptly 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:
      i. the allegation will be investigated to obtain more details before it is referred to the Appeals Panel; or
      ii. the allegation will be referred straight to the Appeals Panel with such details as are available; or
      iii. 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.

66. If the Director of Education decides that it is appropriate to investigate the allegation before it is referred to the Appeals Panel, the investigation will be carried out by the Head of Assessment 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.

67. 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.
68. 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.

69. 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 Appeals Panel. For the avoidance of doubt, the Appeals Panel members are not bound to follow the investigators’ recommendations.

70. Upon receipt of details of a case, the Appeals 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:
   i. The result in the OSCE will be annulled, or
   ii. 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.

71. The Trainee 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.

Adverse Circumstances which affect the conduct of the OSCE

72. 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 he or she thinks 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

73. 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 76 to 91.

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

75. The Head of Assessment will investigate and respond to the complaint as soon as practicably possible.

Appeals

76. 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.

77. A completed Appeal form or full written statement of the appeal which sets out the grounds for the appeal must be submitted to the Director of Education either by email or by post to the College of Optometrists, 42 Craven Street, London WC2N 5NG within 28 days of the notification of the examination or assessment results via the College Website or by post in
cases where the results are not posted on the website. The appeal fees must also be received by the College within this 28 day period.

78. 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.

79. 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.

80. 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. Cheques should be made out to ‘The College of Optometrists’. Payment may be made by debit or credit card online through the College website. Cash should not be sent through the post. Appeals will not be considered until payment has been cleared. The Education team will anonymise all appeals.

81. In the first instance, the appeal will be considered by the Examinations Panel. The Examinations Panel has the right to request information from Trainees, Supervisors, Assessors and Examiners (to the same degree as the Appeals 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.

82. The Examinations 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;
   d) refer the appeal to the Appeals Panel, where the Examinations Panel, in its absolute discretion, considers it appropriate.

83. The 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.

84. If a Trainee wishes to appeal the decision of the Examination Panel, they can appeal to the Appeals Panel by submitting a completed Appeal form or 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.

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

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Before coming to a decision, the Appeals 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.

The Appeals 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.

The Appeals 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;

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

If the Examinations Panel or Appeals 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.

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