



Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh

Regulating Health +
Social Care Professionals

Public Consultation Report

Optical Registration Board: Public Consultation on
Code of Professional Conduct and Ethics for
Dispensing Opticians Bye-Law 2015



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Introduction

About the Optical Registration Board

The Optical Registration Board is currently preparing for the transfer of the registration of optometrists and dispensing opticians from An Bord na Radharcmhastóirí/The Opticians Board to the Optical Registration Board.

Following the transfer, the Optical Registration Board will have statutory responsibility for the registration of members of the profession; approval and monitoring of education and training programmes; establishing the code of professional conduct and ethics and standards of performance to which optometrists and dispensing opticians must adhere and recognition of qualifications gained outside the State.

About CORU

CORU is responsible for regulating health and social care professions. It comprises the Health and Social Care Professionals Council and the registration boards established under the Health and Social Care Professionals Act 2005 (as amended).

CORU's role is to protect the public by promoting high standards of professional conduct, professional education, training and competence amongst the designated professions.

The designated professions under the Act are social workers, clinical biochemists, opticians, medical scientists, occupational therapists, orthoptists, physiotherapists, podiatrists, psychologists, radiographers and radiation therapists, social care workers, optometrists and dispensing opticians, and speech and language therapists.



The Public Consultation Process

Background

The Optical Registration Board has prepared a draft Bye-Law on a Code of Professional Conduct and Ethics for Optometrists. The Code sets out the standards of conduct, performance and ethics to which optometrists must adhere in their work.

Publicising the Consultation Process

A public consultation on the draft Bye-Law was held between 24 June and 24 July 2015.

A number of channels were used to publicise the consultation process and invite the submission of observations. These included:

- An advertisement was placed in the Irish Times on 24 June (See appendix one for a copy of the advertisement).
- A website notice was placed on www.coru.ie (See appendix two for a copy of the website notice).
- An online survey was developed. An email with a link was also sent to a targeted list of over 700 stakeholders, including the Professional Bodies, Trade Unions, educators and other interested parties who have previously corresponded with CORU (see appendix 3 for a copy of the survey).
- Information on the consultation along with a link to the online feedback form was hosted on the CORU website.

People were invited to participate in the consultation process in a number of ways:

- They could ring CORU to request a copy of the draft Bye-Law, and to offer feedback
- They could visit CORU's office to view the draft Bye-Law, and give their feedback in person.
- They could visit www.coru.ie and choose to complete an online feedback form, to print a copy of the form and post it, or email it to CORU.
- They could email submissions to consultation@coru.ie



Overview of responses to consultation

There were five responses to the online survey. Respondents were asked to identify if they were offering feedback on their own behalf or on behalf of an institution or organisation.

| | |
|--------------|---|
| Individual | 3 |
| Organisation | 2 |
| Institution | 0 |

Email responses were received from:

- Association of Optometrists Ireland
- European Council of Optometry and Optics

Acknowledgements

CORU would like to extend our appreciation and thanks to all those that participated in the consultation process. The report from the consultation process was reviewed by the Optical Registration Board.



Issues emerging from the consultation process

1. Role of registrants as employers

1 Act in the best interests of patients

You must

g: when working in a team, be responsible for:

- your own professional conduct,
- any service or professional advice you give,
- your own failure to act,
- any appropriate tasks you delegate, and
- any tasks delegated to you;

You must not:

- a. for reasons of personal or commercial benefit, direct public patients to private practice;
- b. accept inducements, payment, gifts or benefits that could be reasonably perceived as affecting your professional judgement.

One respondent suggested that consideration could be given to the inclusion of explicit reference to the obligation of registrants (dispensing opticians) who are employers of other registrants (optometrists/dispensing opticians) not to bring undue pressure on these employees to prioritise commercial gain over what is in the the best interests of patients and their care. Such conduct should be considered a contravention of professional behavior.

Another respondent suggested that if the employer of a practice is also registered (Dispensing or Ophthalmic), that there should be a joint responsibility between the employer and the employee should any conflict between code of professional conduct and ethics arise so as to ensure that the registered employee is not put under commercial pressure by the employer in practice.

A respondent suggested adding the following wording to 1g:

Implementation of best work practices and provision of appropriate work environment in your role as a manager / employer

The same respondent proposed the following sentence be added as paragraph 1.c:
You must not allow commercial benefit of one product over another override your professional judgement



4. Provide information about conduct and competence

You must:

c. report, to the appropriate authority, any serious breaches of behaviour or malpractice by yourself or others. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour, causing danger to health, safety or the environment, and covering up or failing to report any of these issues.

A respondent suggested adding the following after “unprofessional behavior”:
“either as a manager or in direct professional service provision”.

17. Demonstrate ethical awareness

You must not:

enter into any agreement or contract or accept any gift that might cause you to breach this Code.

A respondent suggested the following re-wording:

“You must not: enter into any agreement or contract or accept any gift, develop or implement work practices which might cause you or others to breach this code.”

19. Carry out your duties in a professional and ethical way

You must:

d. if there is a conflict between this Code of Professional Conduct and Ethics and a registrant’s work environment, the registrant’s obligation is to the Code;

One respondent said that, in relation to paragraphs 4 (c) and 19 (d), if the employer of a practice is also registered (Dispensing or Ophthalmic), that there should be a joint responsibility between the employer and the employee should any conflict between code of professional conduct and ethics arise so as to ensure that the registered employee is not put under commercial pressure by the employer in practice.

Division of Code into three sections – conduct, performance and ethics

One respondent said that consideration should be given to developing a section which deals with the Management of Practices, or include wording in the current



structure of the Code, which covers professional behaviour of employer/manager registrants. This is because the practices of Optometry / Optical dispensing are atypical of health care professional employment in that the majority of the profession work in private practices which are generally in the ownership of registrants. Sometimes work practices implemented may not be in the best interest of patient healthcare e.g. – allocation of inadequate time for eye examinations and links of bonus payments to patient numbers. Those with the most control over these matters are the registrant employers and managers. They, therefore have a particular set of responsibilities to behave in a professional and ethical manner with regard to implementation of appropriate work practices to safeguard patient healthcare. Practice managers who control work practices and or environment in a manner which is not conducive to optimal patient care and should be subject to censure / penalty under this code. This should be stated explicitly in the Code.

Board Response:

We are grateful to the respondents for raising these issues.

The Optical Registration Board at CORU is charged with protection of the public by fostering high standards of professional conduct and professional education, training and competence among registrants of the Dispensing Optician profession. The provisions in the Code set out the standards required of registrants in relation to conduct, performance and ethics. Several of the provisions already appear to address the issues raised.

The Code seeks to emphasise a registrant's professional duty, regardless of their employment context. A registrant has a duty to act in the best interests of the patient, not allow financial incentives interfere with professional judgement, where a conflict exists to comply with the Code, etc

Registrants must carry out their duty in a professional manner and in accordance with the Code. For example, the time allocated to an appointment is only one aspect of the service being provided. Some appointments may take less time and some may take more time than the allocated time slot. What is required will be a matter of professional judgement for the registrant on the day.

The Code is a principles based document and is not overly prescriptive. This allows a professional flexibility to adapt his or her practice in accordance with developments in the profession and technology. Any registrant who fails to comply with the



requirements of the Code could be the subject of a complaint and a fitness to practise investigation.

It would seem a key concern is that a registrant should not ask another registrant to do anything which may be in breach of the Code. However, the registrant who is being asked to do something which may be in breach of the Code is reminded that they themselves are required to uphold the provisions of the Code – it is a personal professional responsibility which transcends the employment relationship. This is made clear in the Code at section 19 –

You must –

d. if there is a conflict between this Code of Professional Conduct and Ethics and a registrant's work environment, the registrant's obligation is to the Code.

Other aspects of the Code which should protect against any concerns in this regard include, in addition to the provisions set out in paragraph 1b above, paragraph 17 –

You must not:

Enter into any agreement or contract or accept any gift that might cause you to breach this Code.

Decision:

The Board was satisfied with the original wording in the Code and decided not to make further amendments, apart from a change to the drafting of 19(d) as set out below.

Section 19(d) is re-produced below in tracked changes to show the drafting amendments by the Board:

19. Carry out your duties in a professional and ethical way

You must:

(d) recognise that if there is a conflict between this Code of Professional Conduct and Ethics and a registrant's your work environment, the registrant's your obligation is to the Code;



2. Conflict with employers

17. Demonstrate ethical awareness

You must not:

enter into any agreement or contract or accept any gift that might cause you to breach this Code.

It was suggested that the second item in paragraph 17 be amended to “You must not: enter into any agreement or contract, or agree to any change in terms or conditions of employment, or accept any gift that might cause you to breach this Code.”

Proposed response:

The Board considered the response, but was satisfied with the original wording and decided not to amend this section.

3. Provision of guidance or signposting

2. Respect the confidentiality of patients

You must:

c. always follow ‘best practice’, employer guidelines and data protection laws when handling confidential patient information. Stay up to date with best practice developments.

One respondent suggested, it would be helpful to provide links or signposting to guidance which sets out the circumstances in which a breach of confidentiality is appropriate and justifiable.

4. Provide information about conduct and competence

You must:

c. report, to the appropriate authority, any serious breaches of behaviour or malpractice by yourself or others. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour, causing danger to health, safety or the environment, and covering up or failing to report any of these issues.



In paragraph 4(c), it would be helpful to provide links or signpost to guidance which explains who the appropriate authority is that you should notify serious breaches of behaviour or malpractice too, and also to give definitions of serious breaches of behaviour and malpractice.

9. Get informed consent from patients

Where you are proposing to carry out an investigation or treatment of a patient, you must:

c. make sure the service user gives consent to any treatment or procedure before it is carried out. If the service user cannot give informed consent, make sure that any actions taken are in the service user's best interests;

In relation informed consent, it was asked who can give informed consent on behalf of a patient and what guidance issued by appropriate authorities. This needs to be clarified.

e. follow your employer's procedures on consent and any guidance issued by appropriate authorities.

In relation to paragraph 9(e), it was suggested that a link or signposting to guidance issued by appropriate authorities would be helpful.

16. Address risks to patients

You should: inform the proper authorities about any concerns you may have about risks to patient safety and quality of care.

Paragraph 16 should provide a link or signpost to who the proper authority is to notify of risks to patients.

Clarity and Ease of Understanding

One respondent welcomed the fact that the Code has sought not to be overly prescriptive, but was also concerned that without clarification or additional guidance in a number of places, the Code may go too far in the other direction and leave the registrant with no clear sense of what is expected of them.



Board Response:

In relation to the request to provide links or signposting to guidance, the Code requires registrants to stay up to date with developments – including in practice (section 8) and the law (section 6).

The Code is a principles based document which sets out the standards of conduct, performance and ethics required of registrants. It is expected that a registrant's training and the requirement to keep up to date (see also section 8 of the Code) will provide the registrant with the required knowledge.

If a registrant does not believe that they have the up to date knowledge they need to address this – perhaps through meeting requirements for continuing professional development.

Decision:

The Board was satisfied with the original wording in the Code and decided not to make further amendments.



Drafting points

4. References to “employer”

Clarity and Ease of Understanding

One respondent said that the use of the term “employer” should be avoided as there is no single model of optical practice, and optical professionals may be either self-employed or employed. The use of term employer may result in any such provision only applying to certain professionals and not to others.

Decision:

The Board decided to amend section 4, as shown in the tracked changes below:

You should: inform your employer [or another appropriate authority](#) if, in your professional opinion, the practice of colleagues may be unsafe or have a negative effect on patient care.

In section 9(e), the Board decided to replace ‘employer’ with ‘practice’ so that the sentence begins with ‘follow your practice’s procedures...’

To maintain consistency with these amendments, the Board also decided to amend section 2(c). The words ‘employer guidelines’ were replaced by ‘Practice Guidelines’.

2. Respect the confidentiality of patients

You must:

c. always follow ‘best practice’, employer guidelines and data protection laws when handling confidential patient information. Stay up to date with best practice developments.

One respondent suggested, in relation to confidentiality, it would be clearer if the second half of 2(c) – Stay up to date with best practice developments – was separated out and became 2(d).



Decision:

The view of the Board was that these 2 sentences are linked and are not really separate points. The Board decided not to amend this section.

3. Maintain high standards of personal conduct

You must:

a. work openly and co-operatively with other health and social care professionals;

The use of the term “health and social care professionals” in section 3(a) carries an implication that it refers only to professionals registered under the “Health and Social Care Professionals Act” and not to other health care professionals such as medical practitioners and nurses. It was suggested that the following text should be substituted in section 3(a): “work openly and co-operatively with other healthcare and social care professionals”.

Decision:

The Board decided to amend section 3(a) as suggested by the respondent. Therefore, the word ‘health’ was replaced by ‘healthcare’.

3. Maintain high standards of personal conduct

You must:

c. be conscious of your need to use social media and social networking in a responsible way, in particular, to avoid any breach of your obligations in this Code such as confidentiality under clause 2 and use of records and information under clause 14.

In paragraph 3(c), it would be clearer to replace “need” with “responsibility”.

Decision:

The Board considered the response. The Board decided to amend section 3(c) by deleting ‘be conscious of your need to’ at the beginning of the sentence.



5. Address health issues related to your fitness to practise

You must:

- a. look after your physical, emotional and psychological health and avoid contact with patients if you are ill, emotionally distressed or on medication which may affect your judgement or performance;**

In relation to paragraph 5(a), it was suggested that “taking medication” be used in place of “on medication”.

Decision:

The Board considered the response, but was satisfied with the original wording and decided not to amend this section.

10. Communicate with patients, carers and other professionals

You must:

- a. communicate sensitively and effectively with patients, taking into account any special needs when communicating with children and vulnerable adults;**

You should:

- a. communicate sensitively and effectively with the carers and the families of patients, taking into account any special needs when communicating with children and vulnerable adults;**

In relation communicating with patients, those with a sensory impairment should be added to the list of those whose special needs should be taken into account in communications.

You should:

- b. co-operate and share your knowledge and expertise with colleagues and students for the benefit of patients.**

Paragraph 10(b), dealing with co-operating and sharing knowledge, seems to be in the wrong place: it would sit better as part of 11, which is concerned with assisting and advising colleagues, new registrants and students.



Section 10 general comment

It was also stated that it is confusing that the numbering starts at (a) again after “you should” – there are two 10(a) and 10(b). It would be clearer to simply continue with the sequence after “you should” to have 10(e).

Decision:

The Board considered the responses.

The Board decided to amend section 10(a) under ‘You must:’ and ‘You should:’ by deleting ‘when communicating with children and vulnerable adults’ from both sentences.

Regarding section 10(b), the Board was satisfied that the location of this point in this section of the Code is appropriate as the point relates to communication. The Board decided not to amend this section.

Regarding the general comment on the numbering within section 10, the Board agreed that the numbering follows the format of the rest of the Code. The Board decided not to amend this section.

12. Teach, supervise and assess students and other professionals

If you are involved, you must: in supervising, teaching, training, appraising and assessing students in your profession or other professions you must do so fairly and respectfully using agreed criteria. You should: meet your professional obligation to teach...”

Paragraph 12 is confusingly phrased. The following alternative wording was suggested: “If you are involved in supervising, teaching, training, appraising and assessing your students in your profession or other professions, you must: Do so fairly and respectfully using agreed criteria. You should: Meet your professional obligations to teach...”(etc)

Decision:

The Board agreed that this was a typographical error and decided to re-arrange section 12 as follows:



If you are involved in supervising, teaching, training, appraising and assessing students in your profession, you must:

- a. do so fairly and respectfully using agreed criteria;

You should:

- a. meet your professional obligation to teach, train and mentor other Dispensing Opticians in specified practice areas.

17. Demonstrate ethical awareness

You must: make sure you read and understand this Code of Professional Conduct and Ethics.

In relation to paragraph 17, one respondent suggested adding the words “and act in accordance with”, so that the requirement is: “make sure you read, understand and act in accordance with this code”

Decision:

The Board was satisfied with the wording of the sentence ‘You must: make sure you read and understand this Code of Professional Conduct and Ethics’ and decided not to amend this sentence.

You should: be aware of the wider need to use limited resources as efficiently and responsibly as is practicable. You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation, whilst balancing your duty of care to the individual. Take particular care when ethical issues arise. (Please see Appendix A for a suggested procedure for ethical decision-making).

This respondent is concerned that the Code includes a requirement to “be aware of the wider need to use limited resources...” and a duty to “assist in the efficient and effective use of resources and to give advice on their appropriate allocation”. It would seem that this section has been taken from Codes that apply to those who work in the public sector, however, the vast majority of optometrists work in the private



sector. As such, this section appears to impose a duty on them to have regard to the finances of their practice or employer. We suggest amending the first line to refer to the “wider need to use publicly funded services as efficiently and responsibly as practicable”. The second reference should also replace “resources” with “public funds”, however the respondent questions whether an optometrist has a duty to give advice on their appropriate allocation and suggest that this section be removed.

Decision:

The Board decided to remove the word ‘limited’ so that the sentence now reads ‘You should be aware of the need to use resources...’

20. Undertake research in an ethical manner

You must protect and destroy data in line with relevant legislation.

A respondent suggested that paragraph 20 should start with “If you undertake or participate in research”.

You should:

a. take part in research or support the research of others where possible;

Sub paragraph (a) states that you should take part in research. The respondent said there is no justification for this and it be deleted.

Decision:

The Board decided to insert ‘if you are involved in research’ at the end of the sentence ‘You must protect and destroy data in line with relevant legislation’

The Board considered the response regarding section 20(a), but was satisfied with the original wording and decided not to amend this section.



Appendix A: Suggested procedure for ethical decision-making

2. Review the Code of Professional Conduct and Ethics and identify the relevant parts. Check other professional guidelines too such as those of the Health Service Executive or government departments as well as any relevant legislation.

4. Consider asking your professional body for advice.

In Appendix A, guidance from a professional or representative body should be added to item 2 and item 4 should be amended to “professional or representative body”.

Decision:

The Board was satisfied with the original wording and decided not to amend this section.

Conclusion

The Optical Registration Board considered all the submissions in detail. The Board made amendments to the Code of Professional Conduct and Ethics as detailed in the decisions above.



Appendix 1: Website notice

Public Consultations – Optometrists and Dispensing Opticians

CORU is preparing for the transfer of the registers for dispensing opticians and optometrists from Bord na Radharcmhastóirí (the Opticians Board) to the Optical Registration Board at CORU, later this year.

The Optical Registration Board at CORU is currently working to put in place the standards that will determine how the two professions are regulated in the future.

The Board wants to hear the views of members of the professions, the public and stakeholders on a number of matters relating to the statutory registration of optometrists and dispensing opticians at CORU:

- Code of Professional Conduct and Ethics for Dispensing Opticians
- Code of Professional Conduct and Ethics for Optometrists
- Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles Bye-Law 2015

By participating in this consultation process you are helping to shape how optometrists and dispensing opticians are regulated.

Please **click here** to contribute to the consultation.



Appendix 2: Copy of Advertisement



**Ag Rialáil Gairmithe Stáinte
agus Cúraim Shóisialaigh**
Regulating Health +
Social Care Professionals

**Public
Consultation**

Statutory Registration of Optometrists and Dispensing Opticians at CORU

The Optical Registration Board at CORU wants to hear the views of optometrists, dispensing opticians, and other interested parties on a number of matters relating to the statutory registration of optometrists and dispensing opticians at CORU:

- **Code of Professional Conduct and Ethics for Dispensing Opticians Bye-Law 2015**
- **Code of Professional Conduct and Ethics for Optometrists Bye-Law 2015**
- **Regulation and Control of Prescribing and Dispensing of Prescriptions and Sale of Spectacles Bye-Law 2015**

Further information on these consultations including a 'feedback form' is available on www.coru.ie or by contacting CORU on 01 2933160 or emailing consultation@coru.ie

The closing day for these consultations is 5pm on Friday, 24 July 2015. Submissions received after this date will not be considered.

CORU, 13-15 The Mall, Beacon Court, Bracken Road, Sandyford, Dublin 18.
T: 01 2933160 E: info@coru.ie W: www.coru.ie



Appendix 3: Copy of Online Feedback Form

Optical Registration Board: Public Consultation on Code of Professional Conduct and Ethics for Dispensing Opticians Bye-Law 2015

Thank you for taking the time to participate in CORU's consultation process on a bye-law on the Code of Professional Conduct and Ethics for Dispensing Opticians.

The Optical Registration Board was appointed by the Minister for the Health in February 2015 to regulate the professions of optometrist and dispensing optician at CORU. It is anticipated that the Optical Registration Board will take over this function from Bord na Radharcmhastóirí later this year.

The Optical Registration Board is currently making arrangements for this transfer, including the drafting of two codes of professional conduct and ethics: one for optometrists, and one for dispensing opticians. This consultation relates to the dispensing opticians' Code.

The Code has been drafted using the framework code developed by the Health and Social Care Professionals Council at CORU. The Optical Registration Board, consisting of both lay members and representatives of the professions of optometrist and dispensing optician, have carefully and thoughtfully adapted the framework with additional assistance from experts.

The Code specifies the standards of conduct, performance and ethics expected of dispensing opticians and is intended to reflect the needs of patients and the standards they can expect when interacting with dispensing opticians. Failure to meet the standards specified in the Code could result in a complaint of professional misconduct being made about the registrant.

If you have any queries about the consultation process or completing the survey, please contact CORU on 01 2933160 or email consultation@coru.ie.

The closing date for receipt of submissions is 5:00pm on Friday, 24 July 2015. Any submissions received after that time will not be considered.

A report on the consultation process will be published on www.coru.ie.

We want to hear the views of the public and the profession and by participating in this consultation process you are helping to shape how dispensing opticians are regulated.



Yours faithfully,

Ginny Hanrahan
Registrar
Optical Registration Board at CORU

1. Contact Details:

You do not need to provide this information but please do if you would like us to provide you with details on the outcome of this consultation process.

First Name:

Surname:

Email:

Telephone Number:

2. Are you contributing to this survey in (please tick one)

- A personal capacity?
- On behalf of an organisation?

If on behalf of an organisation, please specify:

3. Please indicate if you would like your name and/or organisation to be kept confidential and excluded from the consultation report.

- Include in consultation report
- Exclude from consultation report
- It would be helpful if you could explain if you regard the information you have provided as confidential.

4. How did you hear about this public consultation? (Please tick as many that apply)



- Advertisement in a newspaper
- On www.coru.ie
- Another website
- By email
- Other (please specify)

Other (please specify)

5. Is the Code clear and easy to understand?

- Yes
- No

Please provide any comments you have on the language and layout of the Code.

6. The Code is divided under three headings: conduct, performance and ethics.

Do the three headings cover all the important areas of dispensing opticians' professional practice?

- Yes
- No

Other (please specify)

7. Please provide any comments you have on the Conduct section of the Code.

Please consider the following questions in your response:

- **Are there any additional areas that should be included?**
- **Are there any areas that should be excluded?**
- **Is this section of the Code clear and easy to understand?**



8. Please provide any comments you have on the Performance section of the Code.

Please consider the following questions in your response:

- **Are there any additional areas that should be included?**
- **Are there any areas that should be excluded?**
- **Is this section of the Code clear and easy to understand?**

9. Please provide any comments you have on the Ethics section of the Code.

Please consider the following questions in your response:

- **Are there any additional areas that should be included?**
- **Are there any areas that should be excluded?**
- **Is this section of the Code clear and easy to understand?**

10. Did you find this consultation feedback form useful?

- Yes
- No

Please provide any comments on the consultation feedback form.

Thank you for participating in this consultation process. Your views will be taken into consideration. If you have any queries please contact CORU on 01 2933160 or email consultation@coru.ie



Appendix 4: Draft Optical Registration Board Code of Professional Conduct and Ethics for Dispensing Opticians Bye-Law 2015

S.I. No. of 2015

OPTICAL REGISTRATION BOARD CODE OF PROFESSIONAL CONDUCT AND ETHICS FOR DISPENSING OPTICIANS BYE-LAW 2015

The Optical Registration Board, in exercise of the powers conferred in it by section 31 of the Health and Social Care Professionals Act 2005 (as amended), with the approval of the Health and Social Care Professionals Council, hereby makes the following bye-law:

1. This bye-law may be cited as the Optical Registration Board Code of Professional Conduct and Ethics for Dispensing Opticians Bye-law 2015.
2. The Optical Registration Board hereby adopts the Code of Professional Conduct and Ethics for Dispensing Opticians (the “Code”) contained in the schedule to this bye-law.
3. The Code is hereby incorporated by reference into, and forms part of, this bye-law.
4. This bye-law comes into operation on [date].



SCHEDULE

Optical Registration Board

Code of Professional Conduct and Ethics for Dispensing Opticians



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Foreword

The Optical Registration Board (ORB) is pleased to present the new code of Professional Conduct and Ethics for Dispensing Opticians.

Whilst the profession is currently regulated, the new standards developed under CORU are designed to further promote and develop the highest standards of patient care and facilitate the registrants' understanding of what is expected of them as a professional.

The Health and Social Care Professionals Council at CORU has, developed a framework code detailing common standards across its constituent boards. The ORB have carefully built on this framework with the assistance of external experts, so the code reflects the needs of patients and the standards they can expect when dealing with Dispensing Opticians.

The code is also a principle based document as it sets out to help registrants through what is expected with respect to patient care, not a complete clinical and technical guideline.

Dispensing Opticians have a duty to work in a safe manner according to a high standard of professional education, continuing training and competence. CORU will act as a fair and effective regulator to make sure that public confidence and protection is secured. It is the duty of all registrants to understand and comply with their code, as failure to meet the standards could lead to the registrant dealing with a Fitness to Practice complaint.

As the profession continues to evolve the ORB will review these standards and develop as required.

Peter Mc Grath
Chairperson
Optical Registration Board
June 2015



About the Code

As a registrant you must comply with this Code of Professional Conduct and Ethics. It is recognised that ethical decision-making presents challenges and it is suggested that the procedure at Appendix A should be consulted.

Registrants must be aware that a breach or breaches of this Code could be held to be professional misconduct and could result in a disciplinary sanction being imposed following a fitness to practise inquiry.

In this document:

- 'you must' is used as an overriding principle or duty;
- 'you should' is used where the principle or duty may not apply in all cases or where there are factors outside your control affecting your ability to comply;
- the term "patients" includes service users, patients, clients and anyone else who uses your service.

Below is a summary of your responsibilities as a registrant grouped into three categories: conduct, performance and ethics.

Conduct

1. Act in the best interests of patients.
2. Respect the confidentiality of patients.
3. Maintain high standards of personal conduct.
4. Provide information about conduct and competence.

Performance

5. Address health issues related to your fitness to practice.
6. Obey laws and regulations.



7. Act within the limits of your knowledge, skills, competence and experience.
8. Keep your professional knowledge and skills up to date.
9. Get informed consent from patients.
10. Communicate with patients, carers and other professionals.
11. Assist and advise colleagues, recently qualified registrants and students.
12. Teach, supervise and assess students and other professionals.
13. Supervise tasks that you give to others.
14. Keep accurate records.
15. Address health and safety risks.
16. Address risks to patients.

Ethics

17. Demonstrate ethical awareness.
18. Respect the rights and dignity of people.
19. Carry out your duties in a professional and ethical way.
20. Undertake research in an ethical manner.
21. Make sure that any advertising is truthful, accurate and lawful.



Conduct

You must always keep a high standard of conduct. Your duties are to:

1. Act in the best interests of patients

You are responsible for acting in the best interests of your patient.

You must:

- a. make the care of the patient your first and continuing concern;
- b. treat patients as individuals;
- c. respect diversity, different cultures and values;
- d. respect and, where appropriate, speak out on behalf of patients and carers;
- e. support the patient's right to take part in all aspects of the service provided and to make informed choices about the service they receive;
- f. do nothing and allow nothing to be done that might put the health or safety of a patient at risk;
- g. when working in a team, be responsible for:
 - your own professional conduct,
 - any service or professional advice you give,
 - your own failure to act,
 - any appropriate tasks you delegate, and
 - any tasks delegated to you;
- h. protect patients if you believe they are threatened by a colleague's conduct, performance or health. Patient safety must always come before personal and professional loyalties;
- i. talk to a suitable professional colleague if you become aware of any situation that puts a patient at risk;
- j. provide full and accurate fee and product information to the patient or potential patient in advance of agreeing to provide your service.



You must not:

- a. for reasons of personal or commercial benefit, direct public patients to private practice;
- b. accept inducements, payment, gifts or benefits that could be reasonably perceived as affecting your professional judgement.

2. Respect the confidentiality of patients

You must:

- a. treat information about patients as confidential and use it only for the purpose for which it was given;
- b. check that people who ask for information are entitled to it;
- c. always follow 'best practice', employer guidelines and data protection laws when handling confidential patient information. Stay up to date with best practice developments.

You must not:

give personal or confidential patient information to anyone, except if the law or your professional practice obligations requires you to do so.

You must be aware confidentiality is not absolute. You must familiarise yourself with the circumstances in which a breach of confidentiality is appropriate and justifiable.

Disclosure of information to colleagues:

If you need to share patient information with a relevant colleague to give safe and effective care, you must make sure that they know that the information must be kept confidential.



3. Maintain high standards of personal conduct

You must:

- a. work openly and co-operatively with other health and social care professionals;
- b. respect the roles and expertise of other health and social care professionals and work in partnership with them;
- c. you must be conscious of your need to use social media and social networking in a responsible way, in particular, to avoid any breach of your obligations in this Code such as confidentiality under clause 2 and use of records and information under clause 14.

You must not:

- a. harm, abuse or neglect patients, carers or colleagues;
- b. exploit or discriminate against patients, carers or colleagues in any way;
- c. form inappropriate personal relationships with patients;
- d. condone discrimination by patients, carers or colleagues;
- e. put yourself or others at unnecessary risk;
- f. behave in a way that would call into question your suitability to work in health and social care professional services;
- g. engage in conduct that is likely to damage the public's confidence in you or in your profession.

4. Provide information about conduct and competence

You must:

- a. inform the Optical Registration Board if you have been convicted of a criminal offence (other than a 'fixed charge' driving offence under the Road Traffic Acts). You must also inform the Board if you have been given an 'adult



caution' by An Garda Síochána or a caution from the police in another country;

- b. inform the Optical Registration Board if your employer or another body has suspended you or placed restrictions on your practice because of concerns about your conduct or competence. You must co-operate with any investigations or formal inquiry into your professional conduct;
- c. report, to the appropriate authority, any serious breaches of behaviour or malpractice by yourself or others. Malpractice includes negligence, incompetence, breach of contract, unprofessional behaviour, causing danger to health, safety or the environment, and covering up or failing to report any of these issues.

You should:

inform your employer if, in your professional opinion, the practice of colleagues may be unsafe or have a negative effect on patient care.



Performance

You must always keep a high standard of performance. Your duties are to:

5. Address health issues related to your fitness to practise

You must:

- a. look after your physical, emotional and psychological health and avoid contact with patients if you are ill, emotionally distressed or on medication which may affect your judgement or performance;
- b. follow your employer's guidelines regarding personal health issues which could place patients or others at risk;
- c. limit your practice or stop practising if your performance or health could have a negative effect on patients.

6. Obey laws and regulations

You must:

- a. know and work within the laws and regulations governing your practice and keep up to date with any changes in legislation or regulation;
- b. obey the laws of the country in which you live and work in all your professional and personal practice.

7. Act within the limits of your knowledge, skills, competence and experience

You must:

- a. act within the limits of your knowledge, skills, competence and experience;



- b. practise only in areas in which you have relevant competence, education, training and experience. If a task is beyond your knowledge, skills, competence or experience, you must refer the patient to a colleague, healthcare professional or medical practitioner who has the skills to help the patient. In referring a patient onwards you should be mindful of any relevant accepted care pathways and referral guidelines;
- c. accept that a patient has the right to a second opinion. If asked, you must refer the patient promptly to another registrant and co-operate as appropriate to facilitate the provision of the second opinion;
- d. make sure you understand any request from another health or social care professional. You must only assess, intervene or treat a patient if it is in the patient's best interest. If this is not the case, you must discuss the issue with the patient and the practitioner who made the referral before providing any service;
- e. be able to justify any decisions you make within your scope of practice. You are always accountable for what you do, what you fail to do, and your behaviour;
- f. meet professional standards of practice and work in a lawful, safe and effective manner.

8. Keep your professional knowledge and skills up to date

You must:

- a. ensure that your knowledge, skills and performance are of a high quality, up to date and relevant to your practice;
- b. participate in continuing professional development (CPD) on an ongoing basis by identifying your learning needs, making a personal learning plan, implementing the plan and reflecting on the learning you gained from the CPD activities;



- c. maintain clear and accurate records of your CPD and submit your records for audits of compliance when requested by the Optical Registration Board;
- d. comply with the Optical Registration Board's CPD requirements.

9. Get informed consent from patients

Where you are proposing to carry out an investigation or treatment of a patient, you must:

- a. explain the investigation or treatment along with any risks and alternatives to the patient in a way the patient can understand and give informed consent, taking into account the patient's capacity to understand the information;
- b. record the patient's decisions regarding any proposed investigation or treatment. These decisions should be shared with appropriate members of the health and social care team involved in the patient's care;
- c. make sure the patient gives consent to any investigation or treatment before it is carried out. If the patient cannot give informed consent, make sure that any actions taken are in the patient's best interests;
- d. make reasonable efforts to encourage the patient to go ahead with an investigation or treatment that you believe is in their best interest. However, you must respect the patient's right to refuse investigation or treatment;
- e. follow your employer's procedures on consent and any guidance issued by appropriate authorities.

10. Communicate with patients, carers and other professionals

You must:

- a. communicate sensitively and effectively with patients, taking into account any special needs when communicating with children and vulnerable adults;



- b. when something goes wrong, speak openly and honestly to the patient as soon as possible about what happened, their condition and their on-going care plan;
- c. identify yourself to patients before you commence any investigation or treatment;
- d. ensure that your name and registered profession, as contained in the Register of Dispensing Opticians, are visible and accessible to your patients.

You should:

- a. communicate sensitively and effectively with the carers and the families of patients, taking into account any special needs when communicating with children and vulnerable adults;
- b. co-operate and share your knowledge and expertise with colleagues and students for the benefit of patients.

11. Assist and advise colleagues, recently qualified registrants and students

You should:

help and advise colleagues, recently qualified registrants and students in your profession to develop the professional skills, values, courtesies, attitudes and behaviour they will need when dealing with patients, carers and staff.

12. Teach, supervise and assess students and other professionals

If you are involved, you must:



in supervising, teaching, training, appraising and assessing students in your profession or other professions you must do so fairly and respectfully using agreed criteria.

You should:

meet your professional obligation to teach, train and mentor other Dispensing Opticians and other healthcare professionals in specified practice areas.

13. Supervise tasks that you give to others

You must:

- a. acknowledge that patients have the right to assume that the person providing assessment, management, referral or treatment to them has the knowledge, skills and competence to do so;
- b. only delegate to a person who you believe to have the knowledge, skills and experience to carry out the task safely and effectively;
- c. always continue to give adequate and appropriate supervision, if you delegate a task;
- d. understand that you are accountable for any task you delegate to another practitioner and responsible for any task you delegate to a student, practice support staff or others;
- e. understand that if a student or another practitioner is unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to do so. If their refusal raises a disciplinary or training issue, you must deal with this separately. The patient must never be put at unnecessary risk.

You must not:

ask anyone to do anything which is outside their knowledge, skills and experience unless they are supervised by a practitioner with competence in the relevant area.



14. Keep accurate records

You must:

- a. keep clear and accurate records in line with the policies and procedures set out in your workplace;
- b. make sure that all records are:
 - complete,
 - legible (if handwritten),
 - identifiable as being made by you,
 - dated. Timed where appropriate,
 - prepared as soon as practicable following assessment, intervention or treatment, and
 - clear and factual;
- c. if you supervise students, review each student's entries in the records and record that you have done so;
- d. review any information entered into the record as a result of the task delegated;
- e. protect information in records against loss, damage or access by anyone who is not allowed to access them;
- f. make sure that if records are updated, the information that was there before is not erased or made difficult to read;
- g. hold and use records according to relevant legislation.

Records are all information collected, processed and held in manual, electronic or any other format pertaining to the patient and patient care. Records include data (within the meaning of the Data Protection Acts 1988 and 2003), demographics, clinical data, images, unique identification, investigation, samples, correspondence and communications relating to the patient and their care.



15. Address health and safety risks

You must:

- a. follow risk assessment policies and procedures to assess potential risks in the workplace and your areas of practice;
- b. take any steps needed to minimise, reduce or eliminate the risks you identify;
- c. inform colleagues and the authorities about the outcomes and implications of risk assessments;
- d. read and understand the safety statement in your place or places of work.

16. Address risks to patients

You should:

inform the proper authorities about any concerns you may have about risks to patient safety and quality of care.



Ethics

You must always keep a high standard of ethics. Your duties are to:

17. Demonstrate ethical awareness

You must:

make sure you read and understand this Code of Professional Conduct and Ethics.

You must not:

enter into any agreement or contract or accept any gift that might cause you to breach this Code.

You should:

be aware of the wider need to use limited resources as efficiently and responsibly as is practicable. You have a duty to assist in the efficient and effective use of resources and to give advice on their appropriate allocation, whilst balancing your duty of care to the individual. Take particular care when ethical issues arise. (Please see Appendix A for a suggested procedure for ethical decision-making).

18. Respect the rights and dignity of people

You must:

always show, through your practice and conduct, respect for the rights and dignity of all individuals. In particular you must not discriminate against a person on the basis of:

- gender,
- family status,
- civil status,



- age,
- disability,
- sexual orientation,
- religion,
- ethnicity, or
- membership of the Traveller Community;

as identified under the Equal Status Act as updated from time to time.

19. Carry out your duties in a professional and ethical way

You must:

- a. carry out your duties and responsibilities in a professional and ethical way to protect the public;
- b. always behave with integrity and honesty;
- c. recognise that if there is a conflict of interest between the patient and the safeguarding of children or other vulnerable people, safeguarding should take precedence;
- d. if there is a conflict between this Code of Professional Conduct and Ethics and a registrant's work environment, the registrant's obligation is to the Code;
- e. ensure that you have adequate professional indemnity cover for all healthcare services you provide.

20. Undertake research in an ethical manner

You must:

protect and destroy data in line with relevant legislation.

You should:

- a. take part in research or support the research of others where possible;



- b. submit research proposals to the relevant research ethics committees and get ethical approval before starting the research;
- c. obtain informed consent from patients in line with the procedures laid down by the ethics committee;
- d. treat all information gathered during the research confidentially and make sure that participants cannot be identified through their data;
- e. disseminate or circulate the research findings widely to further the evidence base of the profession and to improve patient examination and treatment;
- f. follow accepted guidelines in scientific journals concerning intellectual property, copyright and acknowledging the work of others;
- g. make sure you do not distort or misuse clinical or research findings;
- h. make sure that a patient's refusal to take part in research does not influence the delivery of service to that patient in any way.

21. Make sure that any advertising is truthful, accurate and lawful

You should:

make sure that any advertising is truthful, accurate and lawful.



Appendix A

Suggested procedure for ethical decision-making

1. Identify the problem and gather as much information as you can. Ask yourself if it is an ethical, professional, clinical or legal problem.
2. Review the Code of Professional Conduct and Ethics and identify the relevant parts. Check other professional guidelines too such as those of the Health Service Executive or government departments as well as any relevant legislation.
3. Discuss the issue with professional colleagues.
4. Consider asking your professional body for advice.
5. Evaluate the rights, responsibilities and welfare of everyone affected. Remember that your first obligation is to the patient.
6. Keep notes at each stage of the process.
7. Consider different solutions and decisions.
8. Evaluate and document the potential consequences of each option.
9. Choose the best solution or decision based on your professional judgement.
10. Put the solution or decision into practice, informing all the people affected.
11. Remember that you are responsible, as an autonomous practitioner, for the consequences of the solution or decision that you choose.



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