



**BIOS** | BRITISH AND IRISH  
ORTHOPTIC SOCIETY

# Healthcare regulation: deciding when statutory regulation is appropriate

## Response from the British and Irish Orthoptic Society to the Department of Health and Social Care

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The British and Irish Orthoptic Society (BIOS) is the professional body for orthoptists and was founded in 1937. It is also a registered charity and a company limited by guarantee. BIOS is affiliated to the Allied Health Professionals Federation, a group made up of 12 bodies representing more than 158,000 workers in the UK. BIOS is also a member of the International Orthoptic Association and OCE. BIOS members in the UK are also automatically trade union members of the British Orthoptic Society Trade Union (BOSTU).

### **1. Do you agree or disagree that a qualitative and quantitative analysis of the risk of harm to patients is the most important factor to consider when deciding whether to regulate a health or care profession?**

We agree that a quantitative and qualitative analysis of the risk of harm to patients is the most important factor to consider in deciding whether to regulate a health care profession. However, the information provided lacks detail in the specific criteria, and the relative weighting, that would be used to assess professions. For example, it is not clear how the risk of physical harm from invasive procedures might be measured against psychological harms, or the risk of conditions being missed. This could potentially lead to a restrictive definition of harm and risk, which would fail to account for the importance of statutory regulation or certain professions.

### **2. Do you agree or disagree that proportionality, targeted regulation and consistency should also be considered in deciding whether to regulate a health or care profession?**

While we agree that some degree of proportionality is necessary in deciding on regulation, the consultation document is again lacking the detail required to gauge the impact of these assessments. Some suggestions are given as to the relative size of professions and the potential impacts of restricting impact, but it is not clear to what degree these would balance the potential risk of harm.

### **3. Do you agree or disagree that the currently regulated professions continue to satisfy the criteria for regulation and should remain subject to statutory regulation?**

We cannot see any strong evidence that it would benefit the outcomes for patients if any of the professions currently regulated were removed and can see significant risks in the removal of independent regulation.

In the case of orthoptics, independent regulation works to ensure essential standards of diagnosis and treatment, providing necessary assurance to the public. Orthoptists work autonomously in a range of settings, often with vulnerable patients such as children and people with special educational needs. They provide diagnosis and treatment for conditions that risk long-term sight loss. Lower forms of assurance, such as voluntary registration or employer controls would be insufficient.

### **4. Do you agree or disagree that currently unregulated professions should remain unregulated and not subject to statutory regulation?**

We do not have any evidence relating to subjecting additional professions to statutory regulation.