

# **GOC response to our consultation to remove reference to a registrant's gender from the public register**

**March 2024**

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## Executive summary

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1. Our proposal to remove reference to a registrant's gender from the GOC's public register followed the outcome of our consultation on a draft policy to support registrants who wish to update information about their gender on our register. Some respondents to this consultation, including the Professional Standards Authority (PSA), questioned why we provide information on gender on the register at all.
2. We undertook a full public consultation on our proposal, which was open for 12 weeks from 29 September to 22 December 2023. We received 96 written consultation responses, mostly from individual registrants. One optical representative organisation and two patient/charity organisations responded.
3. We have decided to remove reference to a registrant's gender from the public register. The main justifications are that the information is not necessary to deliver public protection, the information can be easily accessed from other sources and only a small minority of register users appear to access this information. We also wish to safeguard against outing trans registrants and inadvertently enabling discrimination against women by publishing this information.
4. We will continue to hold information internally on our CRM system about the gender of our registrants (and other protected characteristics) so that we can carry out equality and diversity data analysis and so that we can share appropriately anonymised information with commissioners and others. We will also continue to operate our policy for managing requests from registrants to change their gender recorded within our internal CRM system.

## Introduction

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5. The General Optical Council (GOC) is one of 13 organisations in the UK known as health and social care regulators. We are the regulator for the optical professions in the UK and currently register around 33,000 optometrists, dispensing opticians, student opticians and optical businesses.
6. We have four primary functions:
  - setting standards for optical education and training, performance and conduct;
  - approving qualifications leading to registration;
  - maintaining a register of those who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians; and
  - investigating and acting where registrants' fitness to practise, train or carry on business may be impaired.

## The issue

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7. As part of our statutory duty to maintain and publish a register of all those who are fit to practise, we publish certain information about our registrants, which currently includes their gender. Section 11(2) of the Opticians Act 1989 and rule 21 of the Registration Rules 2005 set out the information that we must publish on our register. These do not include a specific requirement to publish a registrant's sex or gender.
8. Between December 2022 and March 2023, we ran a [public consultation](#) on a draft policy to support registrants who wish to update information about their gender on our register and ensure compliance with the Gender Recognition Act 2004 and the Equality Act 2010. Our response to that consultation was published in September 2023 and the new policy is being put into operation. Some stakeholders responding to this consultation, including the PSA, questioned why we provide information on gender on the register at all.
9. In the consultation, we highlighted that among the healthcare regulators, the GOC is in the minority in providing information on gender on the public register. We outlined the likely arguments for and against retaining this information. Arguments for retaining the information included that people may use gender as a proxy for a registrant's sex as part of seeking same-sex care, so may use this information to decide which optical professional they want to see. Balanced against this, members of the public may use other means to secure same-sex care, such as asking for this when making an appointment. Our proposal was to no longer reference a registrant's gender on the public register because we considered it was not necessary for public protection purposes, we believed there is little use of this information by the public and members of the public have alternative means to obtain this information.

## Consultation process

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10. We undertook a full public consultation on our proposed statement, which was open for 12 weeks from 29 September to 22 December 2023.
11. We received 96 written consultation responses from a range of stakeholders. These were made up of:
  - 55 optometrists;
  - 16 dispensing opticians;
  - six contact lens opticians;
  - seven optical students;
  - two members of the public;
  - two patient representative charities/organisations;
  - one optical professional/representative body; and
  - two others including a GP and an academic.
12. The organisations who were willing to be named were:
  - Federation of Optometrists and Dispensing Opticians (FODO)
  - LGBT Foundation
  - TransActual
13. We are grateful for all the feedback we received and have taken this into account in deciding how to proceed.

## Quantitative findings

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14. Key findings from the consultation were:

- 42% of respondents considered that reference to a registrant's gender should be removed from the public register. 49% considered this information should not be removed and 9% were neutral;
- 54% thought that no aspects of the statement would have a negative impact against stakeholders with specific characteristics. 21% of consultation responses were either don't know or gave no answer;
- 19% of responses thought the proposal would have a negative impact against stakeholders based on sex. Other protected characteristics mentioned were religion or belief (13%), gender reassignment (13%), race (7%), pregnancy or maternity (7%), age (6%), sexual orientation (6%), disability (5%), and marriage and civil partnership (4%);
- 35% of responses thought the proposal would benefit stakeholders based on gender reassignment. Other protected characteristics mentioned were sex (22%), sexual orientation (16%), pregnancy and maternity (9%), marriage and civil partnership (4%), religion or belief (3%), disability (3%) and age (1%). 39% considered the proposal would have no benefits for stakeholders sharing protected characteristics. 24% of consultation responses were either don't know or gave no answer; and
- 72% considered we had identified and captured the impact accurately within the impact assessment.

15. We consider these results are inconclusive with largely equal numbers for and against the proposal and respondents identifying positive and negative impacts based on protected characteristics. It is possible the individuals who responded are more likely to have strong views about these matters than the average person and so the results may not reflect the overall views of registrants or society more broadly. All three representative bodies supported the proposal.

16. Alongside the public consultation, we ran a short poll on the 'search the register' pages of the GOC website asking visitors about their reasons for using the tool, the information they looked for and whether they found what they were looking for. There were 100 responses, as follows:

- 44 were registrants, 21 employers, 15 members of the public and 2 commissioners. 18 respondents selected the 'other' option;
- 59 searched the register to check whether a person or business was registered with the GOC, 15 to check their own registrant record, 5 to help

choose an eye health service and 5 to check for any disciplinary sanctions relating to a registrant. 16 responses identified other reasons;

- types of information looked for included name (63), type of registrant, such as optometrist, dispensing optician or student (39), date of most recent registration (39), location (36), qualifications (30), specialist areas of practice, such as contact lens or prescribing (19) and gender (2); and
- 83 found the information they were looking for and 17 did not.

17. Although a small sample size, the poll indicates that stakeholders are likely to rarely use the public register to find information about a registrant's gender.

## Analysis of consultation comments

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### *The proposal*

18. Respondents in support of removing reference to a registrant's gender from the public register largely echoed the rationale in the GOC's consultation. The main reasons were that the information was unnecessary, it could be easily obtained from the business instead, there were risks of outing trans registrants and that it could reduce unconscious bias against women. Comments included:

- it is not relevant to the purpose of the register to protect the public since gender has no bearing on a practitioner's abilities to carry out their role;
- patients can easily, and are more likely to, access information about a registrant's gender from the practice's website, via a phone enquiry or by personal recommendation before they book an appointment. While patients may legitimately seek same-sex care for a range of reasons, in practice the GOC register is not used for this purpose;
- it would increase the risk of outing trans registrants, which would be legally and ethically wrong. In a climate of transphobia, there are actors who would use this information to target and out a transgender registrant;
- the Equality Act 2010 makes it clear that it is prejudice and potentially discriminatory for a service user to request to not see a person who is transgender (of either or both genders);
- gender identification has the potential to introduce discriminatory information rather than factual evidence on a person's ability to practise. Removing this information from the register would remove a source of potential unconscious bias against women in the industry;
- the GOC is one of few remaining regulators that continue to publish this information, which is indicative of a general move away from public disclosure of this information in professional services; and
- it could remove a barrier to honest registration for registrants who are transitioning and do not wish this information to be public knowledge.

19. A sample of comments is available in the box below.

Removal of reference to information about gender – in favour

*"There is no need for practitioners to disclose their gender identity on the public register to be able to practise in a safe and professional manner."* Dispensing optician



*“As stated in the discussion, it is not necessary information. If a patient is concerned about the gender of their optometrist, they can, and most likely will, ask at the local level. In addition, there is a strong likelihood of outing trans members of the GOC, which is both legally and ethically wrong.” Student dispensing optician*

*“I am aware there are lobby groups who wish to force the disclosure of my birth sex in many situations, which I would consider a gross invasion of my human right to privacy concerning my medical history under Article 8 of the European Convention. My medical history is only of concern to 3 parties: myself, my partner and my doctors. I am certain transgender opticians and optometrists feel the same...*

*Currently because of an uptick in transphobia and the recent development of a transphobic culture war from right wing commentators and some government ministers, there are actors who would use this information, if they could, to target and out a transgender registrant. This would inevitably result in huge stress to them the registrant, harming their mental and physical health. It could even result in right wing extremists assaulting them, as has happened in the past.” Other*

*“As identified in the impact assessment, the GOC is one of few remaining professional bodies who continue to publish information about their registrant's sex, which is indicative of a general move away from public disclosure of this information in professional services. We support the assertion that information about the birth sex of registrants cannot be demonstrated to be within the public interest to an adequate degree and support its removal for this reason...*

*While we recognise that patients are entitled to request single sex care, in practice, these requests are not fulfilled by referencing the GOC register; they will be completed at the point at which the patient is accessing the service they require, in nearly all instances. The GOC register is therefore irrelevant for the purpose of delivering single sex care.” LGBT Foundation*

*“There is no need to have a registrant's gender on the public register. If an individual has a preference about the gender of their optical professional, they're not going to look for it on the register but will ask about it when booking their appointment.” TransActual*

*“We have no evidence that the public searches the register to find an eye care clinician or to be able to find one of a specific gender. In some communities, patients do prefer to see a professional of the same sex/gender for cultural reasons and they have the right to exercise this choice when selecting a practice and practitioners. However, they can easily do this from a website, via a phone enquiry or by personal recommendation, before they book an appointment.” FODO*

20. Respondents against removing reference to a registrant's gender from the public register argued that gender can be an important part of someone's identity and highlighted preferences for same-sex care, a need to make it easy

and discrete to find this information and the role of transparency in maintaining public confidence in the professions. Comments included:

- gender is an important part of someone’s identity; the removal of gender in society is taking something away from women. A trans registrant who was neutral on the proposal commented that they felt a sense of validation when they first saw their gender correctly noted on the register;
- patients may want to receive same-sex care for a variety of legitimate reasons and this should be a choice they can make without prejudice. These reasons include patients who have suffered domestic abuse, those with specific medical conditions, for religious or cultural reasons given the service includes proximity and physical contact, or simply due to feeling more comfortable with someone of the same sex or gender;
- gender and gender identity are emotive and those looking to see a professional of a specific gender can be judged if they ask these questions over the phone or in person. It is much safer and more discrete for them to be able to look online than to have to ask these questions and it is leaving people who could be vulnerable in a position where they may feel forced to reveal their reasoning;
- individuals may decide not to present themselves for care if they are concerned about wanting to be treated by a practitioner of the same sex or gender and cannot easily access this information;
- it is more important to protect the public and make them feel safe and confident in us as professional staff, that we are not ‘hiding’ anything; and
- it is not always possible to determine gender by name. When someone needs to complain about a registrant, if they can search the register by gender, they will have a better chance of identifying who treated them.

21. A sample of comments is available in the box below.

Removal of reference to information about gender – against

*“I disagree as when patients are in a small dark room with a professional, they may feel more comfortable knowing who that professional is. Same sex care should be a choice the public can make without prejudice. Members of the public should feel comfortable during their eye examination and if they were to feel vulnerable this could lead to a difficult situation for the professional.”* Optometrist

*“I think it’s an important part of a person’s identity. Practitioners can decline to specify their gender, but I proudly and confidently believe it’s an integral part of my identity.”* Optometrist

*“I worry that it will prevent some individuals to present themselves for care if they are concerned about wanting to be treated by a practitioner of the same sex.”*

Student optometrist

*“For some individuals, seeing someone from the same sex as themselves might be important for personal or cultural reasons. Removing references to gender will make it difficult to determine this.”* Member of the public

*“Expecting the patient to have to make the extra effort to ask the right questions at local level flies in the face of patient-first care.”* Member of the public

*“When a member of the public needs to make a complaint about a registrant, they can search by name. Many names are gender neutral, and whole communities (such as Sikhs) use the same names for both men and women, so it is helpful for the public to be able to differentiate by gender, so they have a better chance of identifying who treated them.”* Dispensing optician

*“Some sectors of society prefer to be seen by a female professional for religious reasons. The public have a right to choose their professional. Whilst it is incorrect to discriminate against professionals based on gender it is important that we also respect people’s religious beliefs. As a professional body we should embrace diversity not run from it nor hide from it.”* Optometrist

*“Some patients wish to know our gender. Some are more comfortable with a man others with a woman. Quite often this is associated with their past experiences or culture.”* Therapeutic prescribing optometrist

### *Negative impacts on stakeholders with specific characteristics*

22. We asked whether the proposal would have a negative impact on certain individuals or groups who share any of the protected characteristics from the Equality Act 2010. The comments largely focused on preferences for same-sex care, as highlighted in previous section. Comments included:

- Gender – reasons related to same-sex care, removal of identity and wrong assumptions about gender being made based on names.
- Gender reassignment – reasons related to a climate of transphobia and the risks of outing registrants. Patients who had gender reassignment may have experienced discrimination in the past and have a preference over which sex they would like to see.
- Religion or belief – people with a specific religion or belief may only wish to receive same-sex care or the religion or belief system may only allow certain genders or people to come into physical contact with each other.

- Age – patients receiving domiciliary care may want same-sex care and would feel uncomfortable not knowing who they will see. Young girls may feel more comfortable being treated by a female.
- Pregnancy or maternity – some women may feel more comfortable with a professional of the same gender due to the difficult nature of pregnancy, while some pregnant women may prefer to be seen by a male professional if they fear being judged by another woman.

23. A sample of comments is available in the box below.

*“This does not fall under the umbrella of discrimination, but I felt a great sense of validation when I first saw my gender correctly noted on the register. Transitioning while working as a healthcare professional was incredibly challenging. Seeing my governing body acknowledge who I am was an important milestone. I would feel a little sad if I didn't have that.”* Dispensing optician

*“Gender reassignment - patients who have had gender reassignment have maybe experienced discrimination in the past and have a preference over which sex they would like to see - this will make the patient more comfortable and open... Sex - someone may want to see someone of the same sex as them as it makes them more comfortable for whatever reason, i.e. previous abuse.”* Student optometrist

*“...there is currently a strong current of transphobia in the UK, and putting gender on the register can end up outing trans members of the GOC. In addition, genders such as non-binary are made invisible, which can be distressing to non-binary individuals.”* Student dispensing optician

*“A Muslim or Jewish woman may only wish to be seen by a female optometrist and would not be accepting of non-binary or gender neutral professional. It would be very uncomfortable for the professional. Therefore, I believe again we need to embrace diversity celebrate it but allow the public to choose.”* Optometrist

*“Relating to optics it's quite a personal and up-close profession where the optometrist looks at a patient's eyes and the dispenser checks adjustments and takes PD measurements so patients should have the right to see the genders of professionals in order to grant them ease and to make them happy.”* Student dispensing optician

#### *Positive impacts on stakeholders with specific characteristics*

24. We asked whether the proposal would have a positive impact on certain individuals or groups who share any of the protected characteristics from the Equality Act 2010. Again, comments largely echoed those made in responses to the first question and mostly focused on gender and gender reassignment. Other comments focused on the public register inadvertently introducing information that could be used for potentially discriminatory purposes.

25. A sample of comments is available in the box below.

*“This proposal will undoubtedly have a beneficial impact for trans, non-binary, gender diverse and intersex practitioners, who will no longer have to choose a binary sex category to fit their identity. It will also help protect practitioners whose gender expression does not match their assigned sex at birth from potential abuse from patients who may have expected a practitioner with a different gender expression based on their listed details.”* LGBT Foundation

*“This change will benefit trans people in that it will result in there being less publicly available information for a trans registrant to change when they first start transitioning.”* TransActual

*“The register provides public protection by highlighting qualified registrants. Gender identification has the potential to introduce discriminatory information rather than factual evidence on a person’s ability to practise.”* Optometrist

*“Removes the need to identify as any gender and removes a barrier to clear and honest registration.”* Optometrist

*“Removing gender (sex) from the register will also remove a source of potential unconscious bias against women in the industry.”* Other

*“Removing it as displayed data makes it less of a focus and could make the register feel more inclusive. That could make individuals feel more comfortable.”*  
Optometrist

*“There is no reason for a registrant’s gender to be included on a public register when this is irrelevant to their registered role. We feel that including this information may unfairly categorise or stereotype individuals. In addition, colleagues who are trans, intersex, non-binary, gender fluid or undergoing ‘gender reassignment’ may be uncomfortable being labelled with a gender on a public register when it has no relevance to their professional role. Removing this requirement will therefore support and advance our shared sector DEI goals.”*  
FODO

## **Our response**

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26. We are grateful for the responses received and note these issues are emotive and have prominence in public debate. As a regulator, the GOC must approach this through the lens of our overarching statutory objective of public protection and having regard to wider equalities and data protection legislation.
27. We remain of the view that reference to information about a registrant's gender should be removed from the public register. The public register should only contain information necessary to deliver our public protection functions and a registrant's gender has no bearing on their ability to deliver safe and effective care. We are mindful that patients may wish to receive same-sex care for a variety of reasons and may be reluctant to ask the business about this directly. However, our website survey indicates that patients are likely to use the public register to find information about a registrant's gender only rarely. Businesses have a role to support patients to make informed choice without prejudice. There were also persuasive arguments that including this information on the register risks outing trans registrants and inadvertently enabling discrimination.
28. The GOC will shortly consult on a new five-year corporate strategy. Creating fairer and more inclusive eye care services is proposed as one of our three strategic themes and this will sit alongside a dedicated equality, diversity and inclusion (EDI) strategy. Collecting data on registrants covering all the protected characteristics and sharing this in anonymised formats through our publications and with stakeholders will be an important contribution to helping the sector to achieve shared EDI goals. Therefore, we will continue to hold information internally on our CRM system about the gender of our registrants (and other protected characteristics) so that we can carry out equality and diversity data analysis and use this positively.

## **Next steps**

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29. Removing reference to a registrant's gender on the public register will involve some website redevelopment work by external suppliers, which will be completed as soon as practicable.