

GENERAL OPTICAL COUNCIL

**Minutes of the 29th Meeting of the Standards Committee
held on 18 January 2007**

Present: Professor R J Buckley (in the Chair)
Miss R E Bailey, Mrs M Black
Mr R W Chappell, Mr D W Pyle, Mr J Russell,
Mr N J Rumney, Mrs R Varley

Advisers: Mr R Carswell, Mr G Tomison

In attendance: Mr P C Coe, Registrar
Mr J Levett, Director of Standards
Ms K Fielding, Communications Manager
Ms H Stanforth, Consultant to GOC

Apologies for Absence

965. Apologies were received from Ms Gwyneth Morgan and Mr Frank Munro.

Election of Chairman

966. The Registrar took the Chair for this item. The Registrar reported that Professor Buckley had been nominated and seconded for the office of Chairman. There being no other nominations, Professor Buckley was duly elected as Chairman. Professor Buckley took the Chair at this point

Election of Deputy Chairman

967. The Chairman reported that Mr Nick Rumney had been nominated for the office of Deputy Chairman. The nomination was seconded and there being no other nominations, Mr Rumney was duly elected as Deputy Chairman.

Declaration of interests/Confidentiality

968. The Chairman welcomed Mrs Black and Mr Russell to their first meeting of the Standards Committee. He reminded Members and Advisers of the provisions of paragraph 6(a) of the Council's Code for members with regard to declarations of interest, and Standing Orders 5.23 to 5.26 with regard to the confidential nature of the Committee's proceedings. It was agreed to defer agenda item 8, Appointment of Advisers, to the end of the meeting so that those Advisers present could withdraw before discussion of that item.

Minutes

969. The minutes of the 28th meeting held on 14 September 2006 **(SD(06)3M)** were approved and signed by the Chairman.

970. The Chairman of the GOC informed the Committee that three new lay members had been appointed to the GOC. The posts had been advertised nationally and carried a proper job description. Twelve applicants had been interviewed, of whom eleven had been considered suitable. Three of these had been selected on the basis of their individual experience and the skills mix with the remainder of Council. Mrs Varley gave background information about the three lay members appointed.

Matters Arising

971. Minutes 926-39: Members noted that the Council for Healthcare Regulatory Excellence (CHRE) had been asked to provide advice to Ministers on key areas covered by the Foster and Donaldson reports.

972. Members noted the advice from CHRE to Ministers on revalidation **(SD(01)07)**. This had fully reflected the GOC's feedback to CHRE on this subject.

973. It was reported that a White Paper was expected to be presented to Parliament on 31 January 2007, which would encompass the principles of revalidation for healthcare professionals, although the degree of detail to be included was unknown. It was intended to hold a Council seminar on 20 March to reflect on the content of the White Paper.

974. Minutes 944-6: Consideration was given to a report on progress in transposing the European Directive on the Recognition of Professional Qualifications into UK legislation **(SD(02)07)**. The GOC had been notified by the DfES that temporary service providers would not be required to provide prospective details of the services they were to provide, nor the periods in which they expected to provide them. Furthermore temporary registrants would not be subject to CET requirements.

975. Concern was expressed at this interpretation of the Directive by the DfES. It was noted that this concern was shared by other regulatory bodies and that the Registrars had written jointly to the Department of Health to raise the issue of public protection. The view was expressed that the spirit of the Directive was clearly aimed at public safety and it was agreed that pressure should be brought to bear on the UK government departments to interpret the Directive correctly. It was noted that the Registrar and the Directors of Standards and Education would be attending an event hosted by the DfES on 13 March 2007 to discuss implementation of the Directive.

976. Members noted for information the draft response from the Alliance of UK Health Regulators on Europe to the European Commission's consultation regarding community action on health services.

977. Minute 952: The Registrar agreed to ascertain whether the Companies Committee had discussed, in relation to the Code for business registrants, the issue of employers checking that their employed practitioners were included in a PCT Supplementary List.

Composition of Working Groups

978. The Committee reviewed the composition and membership of the Contact Lens, Sale of Optical Appliances, Revalidation and Therapeutics Working Groups **(SD(04)07)**. It was agreed that they all had a continuing role. The view was expressed that since the GOC was entering a new era with a reformed Council and Committees, a complete review of the Working Group membership should be undertaken, based on the tasks to be undertaken and the skills and experience required. A new membership list should then be recommended to the next meeting of the Standards Committee, by which time the GOC would have been informed of the identity of the new representatives from the Royal College of Ophthalmologists (RCOphth).

979. It was noted that the Revalidation Working Group (RWG) had been waiting for the outcome of the Foster and Donaldson reviews before resuming its work on revalidation for the optical professions. Now that the White Paper was being presented to Parliament on 31 January, the RWG would need to meet as soon as possible thereafter to prepare a response to the White Paper for the next meeting of the Standards Committee. A decision on its membership could not, therefore, be left until the next Standards Committee meeting.

980. The Registrar mentioned his forthcoming meeting with the Department of Health and representatives of the Commission on Human Medicines to discuss independent prescribing by optometrists, which it was hoped would be implemented in 2008. It was agreed that the RCOphth should be allowed to decide their own representation on the Therapeutics Working Group, and that there should continue to be two sub-groups, one for education and training, and one for the clinical aspects.

Competencies

981. The Chairman of the Competencies Working Group presented a report and proposals on the annual review of core competencies **(SD(05)07)**. The Working Group had considered that a planned wholesale review of the competencies, rather than incremental annual changes, would be a more effective approach and that therefore no immediate amendments should be made. It was proposed that the Working Group should be expanded to include a wider range of stakeholders, i.e. the College of Optometrists, ABDO, BUCO, the dispensing training institutions and the Companies Committee. The enlarged Working Group would meet on 1 March 2007 to prepare a draft consultation paper for the Standards and Education Committees, with a view to presenting a detailed work plan for reviewing the competencies to Council in June 2007. It was envisaged that detailed work on reviewing the competencies would begin in 2008.

982. RESOLVED:

to recommend to Council that no amendments be made to the competencies for optometry and dispensing optics and relevant contact lens specialty competencies, in 2007;

to agree that the review of the specialty competencies scheduled for April 2007 should be put on hold and to recommend to Council that no amendments be made to these in 2007;

to agree that the Working Group membership should be expanded and that the College, ABDO, BUCO and dispensing training institutions be approached to nominate representatives to the Group;

to agree that the Working Group should begin work on the proposed papers for consultation outlined in the report to the Committee.

Sale and Supply of Optical Appliances

983. Members received, tabled, amended draft guidance from the College of Optometrists relating to sale and supply of spectacles, supplying powered contact lenses, fitting powered contact lenses and fitting and supply of zero-powered contact lenses. The Director of Standards reported on the background to these documents and noted that the College and ABDO had agreed that wherever possible both bodies' guidance would be identical on these topics. The College guidance would be submitted to the College's Board of Trustees for approval on 24th January 2007; Mr Russell and Miss Bailey would ascertain the approval process at ABDO.

984. Several areas of potential concern were highlighted in the draft guidance documents, and in particular delegation in relation to training in insertion and care of contact lenses, the definitions of aftercare, and supervision in relation to the sale and supply of optical appliances. As a member of the College's Board of Trustees, Mr Chappell would discuss the draft documents in detail with the Registrar and Director of Standards, so that he was aware of the GOC's areas of concern before the College's Board meeting on 24th January.

985. Since Members had not had the opportunity to read the tabled documents, it was suggested that an additional meeting of the Committee should be arranged to review the final guidance approved by the College and ABDO. This would need to be held in February to allow time for a report to be prepared for the Council meeting in March recommending any changes that the GOC might wish to propose to the College and ABDO. The Committee could at the same time discuss membership of the Revalidation Working Group (minute 979).

986. RESOLVED:

to hold an additional meeting of the Standards Committee on Thursday 15 February 2007 at 2 p.m., to review the final version of the College and ABDO guidance in relation to sale and supply of spectacles, supplying powered contact lenses, fitting powered contact lenses and fitting and supply of zero-powered contact lenses, and to determine the membership of the Revalidation Working Group.

Contact Lens Specification Rules

987. The Chairman gave an oral report on the recent meeting of the Contact Lens Working Group (CLWG), which had resulted in a paper circulated prior to the Standards Committee meeting that recommended, inter alia, the drafting of Contact Lens Supply Rules. The aim was to rectify the omission in the Opticians Act of any provision to require the seller to supply the lenses specified in the contact lens specification. This had clearly been the intention of the legislation but had not actually been stated. The CLWG had agreed that the longer term solution should be to seek a Section 60 Order to amend the Opticians Act but for this one item it was not worth the long and arduous process involved. In this connection the Chairman of the GOC mentioned that the CHRE was urging the Government to introduce some form of annual Section 60 order to cover all the health regulators, as an annual vehicle to make legislative amendments to reflect the constantly changing professional environment.

988. Reservations were expressed about the ability to demonstrate in a court of law that public safety was compromised by the substitution of one type of contact lens for another. It was felt that there was a place for substitution where the lens parameters were clinically identical to the lens specified. The key was the interpretation of the term "replicated" as used in S25(5)(a) of the Opticians Act. There followed a discussion on clinical procedures for patients when manufacturers withdrew a specific type of contact lens from the market, for example when the lens material changed, and the importance of educating patients so that they understood the processes involved.

989. After consideration, the Committee agreed that legal advice should be sought on the proposed Contact Lens Supply Rules. If that advice was positive, consultation would be held with a range of optical and consumer bodies prior to recommending a final form of words to Council. The proposed Rules would then have to be approved by the Privy Council and the professional bodies would be asked to amend their guidance to support the content of the new Rules.

Supply and Administration of Drugs

990. Members considered whether the GOC should make rules on the supply and administration of drugs. They noted the guidance on administration of eye drops issued by the National Screening Programme for Diabetic Retinopathy, guidance from the College of Optometrists on the instillation of eye drops by unregistered personnel and on the use and supply of drugs, and concerns raised by a wholesaler dealer of prescription-only medicines (POMs) **(SD(08)07)**. It was noted that the National Screening Programme document erroneously referred to the GOC as the optometrists' professional body.

991. The Registrar commented that there was at present no legal framework to control the administration of drugs by registered personnel. It appeared that the UK was the only EU member state not to provide rules in this area. After consideration, it was felt that the current Medicines legislation provided a sufficient framework for optometric practice with regard to the supply of medicines, supported by the relevant sections of the College of Optometrists' guidance, and there was at present no necessity for the GOC to make new rules.

992. It was felt that the wholesale dealer had raised valid concerns about the ability of optometric practices to fulfil the legal requirements with regard to dispensing, labelling and storing POMs. These issues had become of greater relevance with the advent of Additional Supply and Supplementary prescribing and would become even more pertinent if independent prescribing was implemented. The view of the College of Optometrists was that the prescribing optometrist should provide a prescription for dispensing by the pharmacist. Members supported this view and it was agreed that the Therapeutics Working Group should discuss the issue, perhaps encouraging the College to make its guidance more proactive in this regard.

Independent Prescribing

993. Members noted the report from the Secretariat updating them on progress in introducing independent prescribing **(SD(09)07)**. The consequent need for amendments to the Registration and CET Rules would have to be discussed. It was agreed to leave the Therapeutics Working Group to consider the issues and perhaps set up a sub-group for the purpose if it so wished.

Behavioural Optometry

994. The Committee considered a project proposal to assess the clinical evidence of the efficacy, and implications for patient health and safety, of 'behavioural optometry'. This had been put forward as a result of concerns raised by the Investigation Committee following a number of complaints from members of the public involving optometrists who practised in this area. Several published papers were noted, including a review commissioned by the College of Optometrists. All except one of these publications were negative in their conclusions.

995. Members were reminded that the College's guidance made it clear that practitioners should not carry out any procedures that did not have a research-based foundation. It was also felt that the situation had not changed since publication of the various papers now before the Committee. It was therefore considered unnecessary for the GOC to undertake research, especially in view of its finite resources, and that instead the College should be asked to consider issuing guidance relating to 'behavioural optometry'.

Safeguarding of Vulnerable Groups Act 2006

996. The Committee considered the implications for the GOC's internal processes of the Safeguarding Vulnerable Groups Act 2006, which laid the foundation for a new vetting and barring scheme to be phased in from autumn 2008 **(SD(11)07)**. It was noted that the Registration Committee would also be considering this issue and that the Director of Corporate Resources and Director of Standards would be attending a DfES/Bichard Implementation Team presentation on 15th February 2007. Members were reminded that since the implications were the same for all regulatory bodies, it would be important to work closely with CHRE to avoid duplication of effort.

CHRE Clear Boundaries Project

997. Consideration was given to the CHRE's draft advice on establishing and maintaining clear sexual boundaries between healthcare professionals and patients and carers **(SD(12)07)**. It was suggested that it might be appropriate to invite the College and ABDO to consider the topic as part of their guidance development. The issue for the GOC related to students and it would be important to ensure that any professional body guidance was made available to students.

Business Plan

998. The draft work plan for the Standards Committee **(SD(13)07)** was approved for submission to Council subject to amendment of the item relating to 'behavioural optometry' to reflect the Committee's decision not to proceed with the proposed research project.

Student Representation on Council and GOC Committees

999. Consideration was given to a discussion paper on the issues to be considered if Council were to introduce student representation onto Council and Committees **(SD(14)07)**. This paper would also be discussed by the Registration Committee. Whilst it was acknowledged that students represented 20% of the registrant base, the Council had to be persuaded of the added value that would accrue from student representation. Comment was made that no other professions currently allowed student representation and Members were reminded that the Opticians Act excluded students from voting in the GOC elections. On the other hand, experience in attending education providers to work with students on registration processes had shown that there would be benefits in having some kind of dialogue with students.

1000. After detailed discussion, Members concluded that it would be inappropriate for students to sit on Council or Committees but that the possibility of setting up some kind of students' forum should be explored. The key factor would be to involve the most effective and committed students and it was suggested that the most effective approach would probably be through the university and school heads of department or student societies. It was suggested that the forum might take the form of a twice-yearly weekend meeting, with the students' travel and accommodation paid for by the GOC. GOC staff members would attend in order to report back on the students' views. It was agreed that this suggestion be explored in more detail and, depending on the views of the other Committees, a paper would be submitted to the Finance and Procedure Committee, with an indication of the costs.

Low Vision

1001. Members noted the RNIB/NHS Eyecare Services Programme draft standards for low vision services and the GOC's response to this consultation document **(SD(15)07)**.

Study Proposal on the Effects of Contact Lens Wear Linked to Mode of Supply

1002. Consideration was given to an outline proposal developed by the Contact Lens Working Group (CLWG) at its recent meeting, circulated prior to the Standards Committee meeting. The CLWG had recommended that in pursuance of its public protection role, the GOC should commission a research study with the key purpose of producing evidence of the incidence of adverse effects of contact lens wear linked to mode of supply. The primary aim of the study would be to determine whether there was a need for improved public and practitioner education with regard to the effects of mode of supply on patient safety. The proposal was welcomed and it was agreed that a detailed proposal should be drawn up for circulation to the optical bodies with a request for a funding contribution.

[Those Advisers present withdrew at this point]

Appointment of Advisers

1003. Members reviewed the appointment of Advisers to the Committee for 2007 **(SD(03)07)**. Comment was made that appointments should be based on the needs of Council and that the Committee should first identify areas where advice was required. In this context, it was clear that the Committee needed advice on European issues. It was also agreed that in view of the different service developments in the UK devolved countries and the GOC's duty to set standards, the Committee should have input from the devolved countries. Expertise was also needed in business matters. The Therapeutics and Revalidation Working Groups already co-opted their own expert advisers, thus these areas were already covered.

1004. The core membership already included a Member from Wales and it was hoped that one of the new lay members who had an extensive background in industry would be appointed to the Standards Committee. This left a need for advisers from Scotland and Northern Ireland and an adviser on European matters.

1005. RESOLVED:

to reappoint to the Standards Committee Mr Frank Munro as Adviser from Scotland and Mr Richard Carswell as Adviser on European matters and to explore the options for appointing an Adviser from Northern Ireland.

Publications

1006. The following publications were noted:

- GMC supplementary guidance on Maintaining Boundaries
- Nursing & Midwifery Council *Standards to support learning and assessment in practice*
- ABDO, AOP, College and FODO *Clinical Governance Toolkit for Optometry*

Date and time of next meeting

1007. Members were reminded that they had agreed to hold an additional meeting on **Thursday 15 February 2007 at 2 p.m.** to review the final version of the College and ABDO guidance in relation to sale and supply of spectacles, supplying powered contact lenses, fitting powered contact lenses and fitting and supply of zero-powered contact lenses, and to determine the membership of the Revalidation Working Group. It was noted that the next routine meeting of the Standards Committee would be held on **Thursday 19 April 2007 at 10.30 a.m.**