

GENERAL OPTICAL COUNCIL

Minutes of the 135th Meeting of the Companies Committee  
held on 5 June 2007

- Present:** Mr B J Carroll (in the Chair)  
Professor R Anderson, Mr M W Bateman,  
Mr K Cavaye, , Mr J Gordon, Dr G Harris,  
Dr S T D Roxburgh, Mr B Smith.
- In attendance:** Mr P J Ireland, Director of Corporate Resources  
Ms K Fielding, Communications Manager
- Observers:** Mr I Hamer, Mr S Heatherington

**Apologies for absence**

2698. Apologies were received from Mr P C Coe, Mr B Collison, Mr M Hansford, Mr D J D Perkins and Mrs R Varley.

**Chairman's Opening Remarks**

2699. The Chairman welcomed new lay members of the GOC Council Mr I Hamer and Mr S Heatherington as observers to the Committee.

**Declaration of Interests**

2700. The requirement for Members and Advisers to declare a personal interest under 6(a) of the Code of Conduct was duly noted.

**Confidentiality**

2701. The requirement for Members and Advisers to adhere to the rules of confidentiality under Standing Orders 5.23 to 5.26 was duly noted.

**Minutes of the 134th Meeting**

2702. The minutes were agreed as a true and accurate record of the meeting and duly signed by the Chairman.

**Matters Arising**

2703. There were no matters arising.

**Sale and Supply of Optical Appliances**

2704. The Committee noted the progress made to date on the fitting and supply of contact lenses and zero powered contact lenses contained in the guidance from both ABDO and the College of Optometrists. Members felt that sight testing and the fitting of contact lenses could not be delegated to non-registrants and that this included anything regarded as "assessing a patient and exercising clinical judgement" and not either/or any of these functions. It was agreed to clarify from Standards Committee what was meant by "assessing a patient" and whether this was understood to mean more than just the gathering of information.

2705. Clarification would be sought about the Standards Committee's work on the Sale of Optical Appliances Order and the note in **Paper CO(07)07** which stated that this work would be undertaken by a reconvened Sale of Optical Appliances Working Group.

2706. The Chairman summarised the position on this subject by noting that the guidance work on sale and supply had now been completed and accepted by Council on 22 March 2007, with the exception of the guidance on the supply of spectacles but this too was almost complete.

Secondly, any possible action against illegal sellers to be taken by Council was a matter for the Investigation Committee with advice provided by the Council's legal advisers. A number of potential legal cases were presently under consideration.

Also, Council was also mindful of a number of areas within the Opticians Act 1989 which needed strengthening and these were also being addressed.

### **White Paper**

2707. The Chairman identified that amongst the principles identified by the Secretary of State in the Government's White Paper "Trust, Assurance and Safety" was the intention not to create unnecessary burdens across healthcare regulation and that legislative changes be proportionate to risk. The Chairman welcomed this light touch approach which was entirely appropriate given the extremely small numbers of serious claims brought by patients against the optical profession.

2708. Governance - it was recognised that the move towards a smaller more Board-like Council of appointed members would require the input of the optical business sector which now accounted for 70% of UK sight tests annually.

It was agreed to convene a Companies Working Group or seminar to consider how a more Board-like Council could be kept properly informed on corporate issues.

2709. Revalidation - members' views were that any system for revalidation should be simple, proportionate to a practitioner's level of expertise and run by the GOC.

2710. Fitness to Practise - it was noted that, despite a recent consultation undertaken by the GOC in 2006 into which standard of proof should be applied in the determination of FTP hearings, the Government's intention was that all regulators move to the civil standard of proof and it would enable this through secondary legislation.

2711. Registration - the GOC's experience in the registration of students over the past two years should be used to inform the Department on how systems could be refined across all regulators.

2712. New Roles and Emerging Professions - members felt this topic could introduce regulation and registration of optical support staff and they were not supportive of any moves to do this.

2713. GOC Project Board and Work Streams - members noted the structure which Council had established with four work streams which reported to a Project Board.

2714. Legislative Timetable - members noted the legislative framework that had been outlined by the Department of Health. There remained uncertainty over the precise dates for both primary and secondary enabling legislation.

2715. Impact Assessment - It was reported that the GOC had not yet resolved how to conduct the impact assessment that was to be undertaken in respect of additional powers.

## **Internet Access of Products and Services across Healthcare Professions**

2716. Members were aware that patient access to internet services was not restricted solely to optical appliances since medicines could be bought and GP advice imparted over the internet. Members suggested that Council might raise its concerns with other regulators at its CEO meetings or even CHRE to coordinate how other similarly affected regulators were coping with unregulated sources for professional treatment.

## **Update and Consequences to the GOC on the Professionals Crossing Borders Legislation**

2717. Members expressed concern that, under these regulations, the GOC did not have a general right to ask EU nationals to undertake a language proficiency test when seeking temporary or occasional registration. However, the GOC intended to assure itself that every applicant did have the necessary language skills but this would need to be determined on a case by case basis.

2718. It was acknowledged that employers played a key role in determining language proficiency at the recruitment stage. Members present felt that there were no concerns over the lack of available candidates, e.g. in more rural areas, which could influence recruitment decisions.

2719. Locum opticians were identified as a potential area of risk of inadequate language proficiency as they were self employed individuals and not subject to the usual employer scrutiny.

## **GOC Communications**

2720. The GOC communications strategy had been circulated for members' information and to inform the Committee of the objectives and priorities for 2007-8. Members welcomed the objective of promoting public awareness and eyecare but strongly cautioned the GOC against diverting available resources away from core objectives and statutory functions. This was particularly crucial in view of the burden of change that would have to be dealt with over the next two to three years.

2721. The Committee discussed in principle the engagement of the corporate sector employers as a stakeholder partner, further consideration would be given to this matter at the proposed working group.

## **GOC Working Groups**

2722. An update of the current GOC Working Groups was provided for information. It was agreed to remove the Sale of Optical Appliances Working Group and CET Audit Group as these no longer existed. The White Paper groups would be added to this list.

## **Meeting Dates 2008**

2723. After discussion, it was agreed not to change the 2008 meeting dates of the Committee but for it to contribute via Working Groups where more of the detailed work was now developed.

## **Date and Time of Next Meeting**

2724. The next meeting of the Companies Committee will be held on **Tuesday, 23 October 2007 at 2.00 p.m.**