

GENERAL OPTICAL COUNCIL
Minutes of the 141st meeting of the Companies Committee
held on 14 October 2009

Present: Ms K Fielding, Director of Communications and Information (in the chair)
Professor R Anderson, Mr M W Bateman, Mrs J Brower, Mr B J Carroll, Mr B Collison, Mr M Hansford, Mr A Sadiq and Ms C Slade

In attendance: Mrs J D Taylor, Registrar
Mr G Tinsley, Assistant Director of Standards
Mr S Grier, Communications Officer
Ms E Susin, PA to Director of Communications and Information
Ms L Kennaugh, Director of Education (part)
Mr M Tait, Registration Policy and Projects Officer (part)

Apologies for absence

2897. Apologies for absence were received from Mr M Salmon, Mr J Gordon and Mr D Perkins.

Chair's opening remarks

2898. The Chair welcomed everyone to the 141st meeting of the committee. Introductions were made around the table. The chair explained that items 12, 13 and 14 on the agenda would be taken first to allow the Registrar to depart for another meeting.

Minutes of the 140th meeting

2899. The minutes of the 140th meeting of the Committee held on 3 March 2009 were agreed as a true and accurate record of the meeting and duly signed by the chair.

Matters arising

2900. There was a discussion on item 2847 of the minutes for the last Companies Committee. The Chair reported that the Fitness to Practise department had opened an investigation in relation to the low vision spectacles purchased by Mr Collison. Expert opinion had been obtained and the report would be reviewed in due course. It was observed and acknowledged that progress in respect of this matter had been slow. There was some discussion of the criminal prosecutions protocol, and the issues affecting decisions as to whether to bring a prosecution. The Registrar confirmed that protocol is on the GOC website and also that criminal prosecutions would only be instigated if there was a clear public benefit and that this criteria was stated in the protocol on the GOC website. Members of the committee observed that budget should not be a consideration.

Mr Sadiq stated that no damage would be done to an adult's eyes as a result of wearing the wrong prescription in their optical appliance, though there may be other safety implications. This was not the case with children.

2901. Regarding item 2842 of the action points from Companies Committee meeting on 3 March, the Chair confirmed that minutes of the last meeting had been distributed to the Committee within two weeks of the last meeting.

2902. A query was raised in relation to minute 2845 from the previous meeting. The Registrar reported that she was not able to confirm whether or not the correction had been notified to the CHRE. Having reviewed the document in question, and given the nature of the error and the length of time since the submission, it was not felt necessary to raise this issue with CHRE at this stage.

2903. The Director of Communications and Information agreed to check whether the final legacy document had been circulated to the committee, as agreed at minute 2881 of the last meeting.

2904. The Executive was asked whether the DH report setting out the framework for a cost-benefit analysis of policy proposals on revalidation had been received. The Assistant Director of Standards agreed to check and confirm this to the committee.

Committee appointment process and competencies

2905. The Registrar gave an update on progress with committee appointments. Advertisements for vacancies had appeared in a range of media and the closing date had now passed. Interviews for Companies committee vacancies were planned for 8 and 9 February 2010.

2906. It was noted that the indicative time commitment of three days per month included in the information pack seemed high, and may have put some candidates off applying.

2907. The Registrar confirmed that this was the last meeting of the Companies Committee as currently constituted and that the term of office of current members and advisers will come to an end on 31 December 2009. The Chair and Registrar confirmed that the mechanism for the re-appointment of advisers to the Committee was yet to be discussed and agreed at the GOC.

Strategic planning

2908. Information about the strategic planning process was provided to the committee. The Registrar said that at its inaugural meeting held on 2 April 2009 the newly constituted GOC agreed mechanisms for its three main roles, which are:

- a) Establishing the strategic direction of the GOC
- b) Engaging with stakeholders in the formulation and delivery of that strategy; and
- c) Holding the executive to account for the delivery of the strategy.

2909. To establish its strategic plan for 2010-2015 the GOC opened a consultation inviting stakeholders to have their say on the future work of the GOC. In addition throughout April to September 2009, the Council invited key stakeholders to present their vision and aspirations for the delivery of high quality optical care in the future. This consultation had now closed. Council had met to consider its strategy, and a draft five year strategic plan would be taken forward to November's Council meeting. Following a further period of consultation, it was hoped to approve a final version of the plan in February, for implementation from April 2010.

It was confirmed that feedback would be provided to participants in the consultation process, but that the feedback plan had not yet been agreed.

Role of the Companies Committee

2910. The Chair reminded the Committee that in 2008 the GOC had agreed the constitution of each of the statutory committee which had then been detailed in the Committee Constitution Order of Council 2009. Only the Registration Committee had specified that there should be a member who is a responsible officer of a registered body corporate. That being the situation currently the Chair invited the Committee to present their views and vision for the future role of the corporate sector in the work of the GOC.

2911. The Chair stated that previous discussions regarding the role of the Companies Committee had centred on frustrations that policy development and decision-making elsewhere came to the Committee's attention too late to allow for meaningful input. She referred to suggestions made in an email to committee members in June. There needed to be appropriate involvement of business registrants in other committees and working groups, with focus on reporting back and coordinating at the Companies Committee meetings. It had also been suggested that a more long-term view and effective dialogue could be achieved through a rolling programme, with each meeting focusing on one of the GOC core functions, with the relevant Director providing a presentation and participating in discussion and feedback.

2912. Members of the Committee noted that discussions regarding committee constitution last year had not resulted in the decision to change the Companies Committee from a statutory to a standing committee. Other committees had chosen to remain as statutory committees. Although no reserved places had been specified for responsible officers from registered bodies corporate on the committees, other than Registration Committee, it was confirmed that such individuals could be appointed as advisors to the committees.

Review of codes of conduct

2913. The Assistant Director of Standards explained that the Revalidation consultation document was approved by Council in November 2008 and a consultation event was held in London in April 2009. A meeting had been held on 17 September with the Chief Executives (CEs) of the Optical Bodies to discuss the working group's proposals. The working group had not accepted all the suggestions that the optical bodies proposed in their response to the consultation though the CEs were content with the proposals.

2914. Two specific issues had been raised by the working group. The first was whether employers or sole practitioners should refer concerns to commissioning organisations in the first instance. The second issue was whether a statement should be put in the code to state that the GOC will pursue optical business that are not business registrants if they are committing criminal offences. It was explained that this would have to be for the benefit of the public and in the public interest. This area is complex and is a strategic issue that should be left out of the code for now and considered at the next annual review. This would provide Council with enough time to consider its position with regard to criminal offences.

2915. The requirement that the GOC should be informed if a police caution had been accepted should be included under a separate bullet point separate from the bullet point on criminal offences.

2916. Ms Slade explained that the second footnote in the Code for Individual Registrants did not provide adequate cover for trainees or those on maternity leave and this should be expanded to go beyond this period. It was agreed to consider an amendment to this part of the code.

2917. Mr Bateman queried the nature of Confidential on the Codes of Conduct documents. The Registrar explained that these documents can be circulated amongst other committee members.

2918. Subject to amending the footnote Companies Committee agreed to recommend the Codes of Conduct to Council.

Boots case

2919. The Assistant Director of Standards explained that as a result of the findings the professional bodies guidance needed to be looked at again to ensure it reflected the findings in the determination, particularly in respect of different kinds of supervision and the distinction between sale and supply and dispensing. This issue had been discussed with the optical bodies on Tuesday 17 September and they had agreed to put together a working party to look at the guidance implications.

2920. The working party had taken their proposals to the Colleges guidance review group on 14 October. The Committee noted that it is essential that all of the guidance on this issue is identical. The Chair also confirmed that the use of ~~should~~ in the optical bodies guidance will be changed to ~~must~~ and that supervision must mean that intervention must not be reactive.

Revalidation update

2921. The GOC's response to the Non-medical Revalidation Working Group's (NMRWG) Principles of Revalidation had been sent on 30 January. A consultation on the proposals had been issued in March and closed on 25 September.

2922. A funding request was submitted to the DH on 20 March for six research projects. This request was successful and specifications had been issued for the risk and employer appraisal projects. Europe Economics had been commissioned to undertake the risk project and David Moore the employer appraisal project.

2923. The White paper directed regulators to look at and use systems that were already in place as evidence for revalidation. For employees in the NHS, appraisals under the knowledge and key skills framework would form a key part of evidence. The GOC were also looking at possibly adapting the current CET system to be used as part of the evidence for Revalidation.

2924. The GOC would also look at whether employer appraisals could be used as evidence and if so, whether large optical employers would adjust their appraisal systems so they could be used as evidence. It was reported that initial findings suggested that there were a large number of different appraisals for employees most of which were based on business performance rather than clinical matters. The findings also suggested that employees were appraised by managers who may not have any clinical qualifications, rather than their peers. It therefore appeared that it would be difficult for the GOC to use employer appraisal as a component for the

evidence for revalidation. David Moore had looked into whether employers would be willing to adapt their appraisal schemes and the majority view so far is that appraisals should be of no concern to the GOC.

2925. A further funding request had been submitted to the DH for four research projects to commence in 2010. These were on Patient Feedback, CET, Remediation and Advanced Piloting.

2926. Mr Bateman queried whether the GOC had explored with DH the possibility of postponing implementation of revalidation, given the current economic situation and burdens on the sector. The Chair stated that the GOC was committed to achieving the recommendations set out in the White Paper.

Report on CET Scheme

2927. The Director of Education updated the Committee on progress towards the end of the current CET cycle. She explained that over 70% of registrants had now met their CET target and 85% were on target to gain sufficient points by 31 December. She confirmed that the GOC was aiming for a success rate of 97% of registrants meeting the target on time. Those registrants who do not have sufficient points by 31 December will go into shortfall and will be prevented from renewing their GOC registration until they have met their points requirement. Those who have not gained sufficient points by 15 March 2010 will be removed from the register.

2928. The Director of Education also reassured members that when considering changes to the scheme for the purposes of revalidation issues such as specifying an annual points requirement and allowances for those on maternity or career breaks would be considered. The revalidation consultation events would provide an opportunity for registrants to give feedback on the current scheme.

2929. Professor Anderson expressed his support for the action the GOC had taken to assist registrants with a therapeutics specialty to meet their specialty points target.

Vetting and Barring scheme

2930. The Chair introduced the paper on the Vetting and Barring scheme. All GOC registrants who were employed (including students) would be covered by the definition of regulated activity. There was still a question as to whether holding a contract with a PCT would be deemed to be employment for these purposes. Responsibility for checking a locum's status would rest with the agency employing the individual.

2931. The date for commencement of registration with the scheme had been delayed from October 2009 to July 2010. However, some criminal offences under the Act, as well as the duty to refer, had taken effect from 12 October. A memorandum of understanding between the ISA and the regulators had still not been agreed, but was currently being worked on.

Registration fees consultation

2932. It was noted that the GOC had been consulting on a number of proposals with regard to the schedule of registration and retention fees. The consultation closed on 9 October, with a total of 86 responses received including from the AOP, ABDO, FODO, the College of Optometrists and Optometry Wales. The majority of individual responses had been from dispensing opticians.

2933. The Committee noted that on the key issue of whether a differential fee structure should be introduced, the majority of individual responses were in favour of a differential fee structure, in particular a reduced fee for dispensing opticians. The optical bodies were however less supportive of this proposal, with FODO, the AOP and the College in favour of retaining the current flat structure.

2934. There was some discussion of the fact that the Council would need to consider the weighting given to individual registrants' responses relative to those of the representative optical bodies. It was noted that there was not a mathematical formula for this weighting, but that the Council would be making decisions based on the strongest argument taking into account a range of factors that would include the degree of support among the submissions.

2935. With regard to staged payments, it was noted that there was a majority in favour of introducing this functionality, including the optical bodies. However the costs of introducing such a system were noted, including legal, development and administrative costs, which would need to be considered.

2936. The Committee noted that the issues in the paper would be discussed by Council at its meeting in November, and that a policy paper would be prepared for Council incorporating summary of the responses and analysis of the options.

Online retention project

2937. The Committee noted that the Council had requested a paper be developed discussing the options and next steps for the online retention system, which would be discussed in October. In the meantime, the Registration team was proceeding with the development of an improved registrants' area of the GOC website along with other improvements to the existing paper-based retention process.

2938. It was queried whether cost savings would be achieved through this project. The Director of Communications and Information stated that cost savings may be achieved in the medium to long term, but that improved customer service and accuracy were the key drivers of the project.

Protected titles project

2939. It was reported that the initial legal advice received in response to the questions at Annex 1 had raised some further questions which were currently being clarified. No immediate change of policy was anticipated but there was likely to be some consultation from next year on future policy options in this area.

2940. The Committee observed that it may be difficult to restrict the use of post-nominals such as MCOptom or FBDO.

Register content and access

2941. The Committee noted that consultation events had been held in Cardiff, Aston and Belfast, with a further event planned for Edinburgh in October. Key messages received had been around the need for the GOC to raise the level of confidence and awareness of its work with the public and with registrants, including by making the registers more accessible and increasing awareness of registration and the role of the GOC. It was noted that this would be a significant challenge for the Council.

Public awareness of registration

2942. An update was provided on the project being run by the Communications team to raise public awareness of the registration of opticians and of complaints procedures. Two new public information leaflets on how to complain about an optician, and about the role of the GOC had already been published.

2943. The team had been gathering suggestions from consultation events about the types of information stakeholders would find useful, and from these had produced an options document. Two focus groups had been held with registrants to test ideas. There had been a preference for electronic tools such as a GOC-registered website logo, with links to GOC registers. A patient information leaflet had also been a popular option.

2944. It was particularly hoped to explore the idea of providing guidance to registrants as to how and when they might display information about their registration, supporting a flexible approach which could be adapted to different practice settings. The relevance of this approach to learning from the Boots case was noted. Patients had commented that they did not know who they were talking to in a practice setting, or that some people were registered and others were not.

2945. It was observed that the public may be reluctant to see a pre-registration optometrist if their badge stated that they were a trainee. However, there was an argument that the public should have the right to know who they were seeing and make a choice. There was some discussion of how patients would be made aware of this in the case of trainee doctors in a hospital setting.

Consultation round-up

2946. The Communications Officer noted that a poll about the format we should publish the new Codes of Conduct was conducted in the last eBulletin. This came out strongly in favour of publishing the new codes in some sort of printed format.

2947. On revalidation, it was noted that the open consultation had been a new format. There would be further opportunities for registrants to get involved, both in terms of replying to more detailed written consultations and coming to face-to-face events.

Date of next meeting

2948. The date and time of the next meeting was to be confirmed.