

## **Handover notes from the Current General Optical Council to the newly constituted General Optical Council**

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1. It is anticipated that the General Optical Council Constitution Order 2009 will come into effect on 1<sup>st</sup> April 2009 at which time the currently constituted Council of 28 Members (Current Council) will hand over the governance of the Council to the newly constituted 12 member Council (New Council) appointed by the Appointments Commission on behalf of the Privy Council.
2. This document details those issues which the Current Council wishes to highlight to the New Council to be taken forward or taken into account. They fall into five categories:
  - a) Statutory responsibilities defined under the Optician Act 1989 (amended 2005);
  - b) The 2009/10 Business Plan supported by the 2009/10 Budget;
  - c) Issues identified by the Council's Committees or departments as on-going work or work which needs to be taken forward in the short term. These are, in the main, detailed in the 2009/10 Business Plan and are supported by the 2009/10 Budget;
  - d) Companies Committee Suggested Key Priorities for New Council
  - e) White Paper work which needs to be taken forward.

### **Statutory Responsibilities**

3. The Council has certain statutory responsibilities reserved to it under the Act i.e., the Act says that Council must make certain decisions and cannot delegate this decision making to any other person or body. These statutory responsibilities are listed under the **Scheme for Delegation** which is currently being reviewed and updated and will be put before the New Council at its first meeting on 2<sup>nd</sup> April 2009. Statutory responsibilities for the following will fall to the New Council in the future.





### **Codes of Professional Conduct**

*Note: The Codes are under review. The Codes currently in operation are available from the GOC website at [www.optical.org](http://www.optical.org)*


- (a) for individual registrants  [Code of conduct for individual registrants](#)
- (b) for business registrants  [Code of conduct for business registrants](#)

## **Standards in Competences**

The Council has responsibility to establish from time to time the following competences under section 12(1)(a) of the Opticians Act:

- a) Core competencies for optometrists under the provisions of section 12(4)(a)  
 [Optometrists](#)
- b) Core competencies for dispensing opticians under the provisions of section 12(4)(a)  
 [Dispensing opticians](#)
- c) The Core Competencies for dispensing opticians with additional contact lens qualifications under the provisions of section 12(4)(a)  
 [Contact lens practitioners \(dispensing opticians\)](#)
- d) The Core Competencies for optometrists with additional Independent Prescribing qualifications under the provisions of section 12(4)(a).  
 [Therapeutics \(optometrists\)](#)


## **Content and Standard for Education, Training and Assessment under Section 12(1) of the Act, as set out in GOC Handbooks for the approval of:**

a)	Establishments which train Optometrists	 <a href="#">Optometry Degree Handbook March 2008</a>
b)	Schemes for Registration (Optometry)	 <a href="#">Scheme for Registration Handbook July 2008</a>
c)	Establishments which train Dispensing Opticians/Schemes for Registration (Ophthalmic Dispensing) <i>combined</i>	<a href="#">Dispensing Optics Handbook 2008</a>
d)	Qualifications for entry on to the specialty of optometrist Independent Prescribing	 <a href="#">Independent Prescribing Handbook July 2008</a>
e)	Qualifications enabling the UK registration of non-UK qualified optometrists and dispensing opticians.	<a href="#">Handbook for the approval of schemes of assessment for the registration of overseas qualified dispensing opticians and optometrists</a>
f)	Qualification enabling entry on to the specialty of Contact Lens Opticians.	

### **Training Establishments and Assessment Organisations**

A list of training establishments approved previously by the Council as training establishments approved under Section 12(7)(a) of the Opticians Act is available at [http://www.optical.org/en/our\\_work/Education/What\\_to\\_study\\_and\\_where/](http://www.optical.org/en/our_work/Education/What_to_study_and_where/)

### **Approval of Qualifications**

A list of qualifications approved previously by the Council as qualifications approved under Section 12(7)(b) of the Opticians Act is available from the GOC website  [Qualifications on the GOC Register - Annex 1](#)

### **The 2009/10 Business Plan and 2009/10 Budget**

4. The Current Council will be invited to approve the 2009/10 Business Plan and supporting 2009/10 Budget at its meeting held 26 March 2009. This will then be handed over to the New Council on 2<sup>nd</sup> April 2009 and the New Council will hold the Executive to account for the delivery of the Plan and budget throughout the financial year 1<sup>st</sup> April 2009 to 31 March 2010.
5. The New Council will agree the performance indicators by which the Executive will be held to account for the delivery of the 2009/10 Business Plan and Budget.

### **Issues for consideration in the short term identified by GOC departments**

6. These are mainly identified in the Business Plan and Budget for delivery in the year 1 April 2009 to 31 March 2010. These are attached at **Appendix 1** with an indication of timescale for delivery and where there exists cross-departmental working. Where there exists a GOC Committee attached to a department the Issues Documents have usually been approved by the appropriate Committee.
7. A list of the statutory and non-statutory Committees of Council together with their individual remits is given at **Appendix 2**. Revised Committee Constitution Rules come into force on 1 April 2009.

### **Issues for consideration in the medium term identified by the Companies Committee**

8. Section 3. (1) of the Opticians Act 1989 (amended) indicates that there shall continue to be a committee of the Council known as the Companies Committee for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to business registrants, (other than matters required by the Act to be considered by the Investigation Committee, the Registration Appeals Committee or the Fitness to Practise Committee.)
9. The Companies Committee has identified issues for consideration by the New Council in the medium term as detailed in **Appendix 3**.

## **Issues identified under the Government White Paper: Trust, Assurance and Safety**

10. The Government White Paper: Trust Assurance and Safety was published in February 2007. The GOC and other healthcare regulatory bodies has been working towards the implementation of the White Paper proposals through an intensive programme of legislative amendment to enable the changes to the way we work to take place.

11. Thus far the main legislative changes have been to:

- the constitution of Council and reduce the size of Council membership from 28 members to 12 members (anticipated to come into effect 1 April 2009);

- the constitution of the Council's statutory committees (anticipated to come into effect 1 April 2009);

- adopt the civil standard of proof to be used in FTP cases;

- enable the introduction of the Vetting and Barring Scheme.

12. **Appendix 4** details those White Paper issues which remain to be considered and introduced by the New Council and the GOC's understanding of the current Department of Health timetable for their implementation.

Dian Taylor  
11 March 2009

## **Standards Committee – report to new Council on legacy issues**

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This document captures the ongoing projects of the Standards Committee, and issues/policy areas in which the committee may need to give advice to the Executive and/or Council in future.

### **Codes of Conduct**

A thorough review has been undertaken of both the Code of Conduct for Individual Registrants and the Code of Conduct for Business Registrants in 2008-09, with consultation on proposed amendments coming to a close in April 2009. Council will need to decide what revisions are made to the codes as a result of this review.

*Indicative timescale: Summer/Autumn 2009. Included in 2009-10 work plan.*

Once revisions are agreed to the codes, the impact of these (particularly on fitness to practise work) will need to be kept under review, as well as other developments. It is proposed that a low-level review is undertaken each year, with feedback being taken from Investigation Committee, Hearings Panel (subsequently OHPA), and Companies Committee of any issues arising giving cause for concern. It is proposed that a thorough strategic review of both documents is undertaken every 5 years.

*Indicative timescale: Yearly low-level review. Next strategic review begins 2013.*

The European Council of Optometry and Optics (ECOO), of which the GOC is a member organisation, is developing a code of conduct. This is partly in response to the European Commission's encouragement that EU-wide codes of conduct should be developed for professions to underpin the free movement of professionals across the EU. The status of the ECOO code being developed is that of guidance to member organisations as to how they might develop their own codes (a number of ECOO members currently have no code of conduct). However, it is likely that there will be increasing pressure from the Commission for organisations like ECOO to develop EU-wide codes which are binding on professionals in each Member State. The Council will need to consider its strategic position on the development of an EU-wide code in optics, and its input into this process.

*Indicative timescale: next 2-5 years*

### **Competencies**

A thorough review of the competencies for dispensing opticians, contact lens opticians, and optometrists has been undertaken in 2007-09. This review has put the competencies into a common framework which aligns with the World Council for Optometry (WCO) framework. It is proposed that a thorough review of the competencies is undertaken every 5 years.

*Indicative timescale: next strategic review to begin 2012*

The competencies for therapeutic prescribing were developed with the National Prescribing Centre and published in 2004. These form the competency framework for the optometric specialties of Additional Supply, Supplementary Prescribing and Independent Prescribing. Additional Supply and Supplementary Prescribing specialties were introduced in 2005, with Independent Prescribing being introduced in 2008-09. Given that independent prescribing for optometrists is in its infancy (the first courses will not begin running until April 2009), it would not be timely to review the competency framework until 2012 (allowing a 3 year bedding in process). This will then align with the review of the other competencies.

*Indicative timescale: next strategic review to begin 2012*

### **Revalidation**

The Government's White Paper, *Trust, Assurance and Safety*, directs that all healthcare professionals should be subject to periodic revalidation, but that this should be proportionate to the risks associated with each profession. The Non-medical Revalidation Working Group, established by the Government, published a set of high-level principles on revalidation in 2008, and the GOC reported to the DH its intentions regarding revalidation in January 2009. Work will continue to put in place a revalidation scheme for implementation in 2012.

*Indicative timescale: ongoing. Included in 2009-10 work plan.*

### **Sale and supply of spectacles**

The sale and supply of spectacles by non-registered person to those under 16 or who are not visually impaired is governed by the Sale of Optical Appliances Order 1984. This Order sets out the conditions under which such sales can be made. The Order pre-dates the onset of internet sales etc. In 2008, the GOC approached the Department of Health to explore whether it would be willing to revisit the Order to take into account recent developments. The Department made it clear that any proposals from the GOC regarding amendments to the Order would have to be evidence-based, showing how the current regulations put patients at risk, before the Department would be willing to take these forward. The Department also stated that there was a risk that opening up this issue could result in further de-regulation. Should the Council wish to explore this further, resources will be needed to carry out the necessary research to present any evidence-based proposals.

*Indicative timescale: next 2-5 years*

### **Sale and supply of contact lenses**

Section 27 of the Opticians Act 1989 does not prevent anyone selling contact lenses from providing a patient with a substitute lens to that detailed on their contact lens specification. This would appear to be an oversight, and frustrates the statutory purpose of the legislation. Standards Committee has put together a briefing document, including a regulatory impact assessment, arguing for the legislation to be amended to prevent substitute lenses being supplied. This has been presented to the Department of Health who have agreed to attach proposed amendments to the legislation in the 'Structures and Governance' Section 60 Order. It is expected that this Section 60 Order will be consulted on in the autumn 2009.

*Indicative timescale: In 2009 work plan*

Little research has been undertaken to establish whether there is any link between adverse effects arising from contact lens wear and the mode in which contact lenses are supplied – in particular whether internet supply correlates with any increased incidents of adverse effects. Research in the US and very recently in Australia has pointed towards this. The CLEER Project in Europe is looking to see whether there is any correlation between regulated and unregulated supply and incidences of contact lens related eye disease, taking data from across the European Union. Standards Committee has considered whether the GOC should commission some UK-based research. It is proposed that the existing research, and out the outcomes of the CLEER Project once this is completed, are reviewed before considering further the need for research.

*Indicative timescale: 2010-11*

### **Status of dispensing opticians/wider review of regulated groups**

Increasing regulatory demands (e.g. CET, revalidation) and the lack of government funding for dispensing opticians has raised the question of the status of this group. A review is needed of the overall approach to regulation of dispensing opticians to ensure a focused and proportionate approach which ensures public protection. This, together with the broader review of body corporate and student registration, will need cross-committee involvement and may be a significant, longer term project.

*Indicative timescale: Next two-five years*

## **Registration Committee – report to new Council on legacy issues**

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This document captures the ongoing projects of the Registration Committee, and issues/policy areas in which the committee may need to give advice to the Executive and/or Council in future. The draft workplan for the Registration function details ongoing work of the Registration Department and projects for the period April 2009 to March 2010.

### **Operational management of the registration function**

The focus of operational management in registration is continuing to ensure efficient, fair and transparent processes for entry to the register and periodic renewal of registration, and the availability of the registers to the public.

*Indicative timescale: ongoing*

### **Online retention**

One of the key projects for the department in 2009/10 will be the introduction of an online retention process. This will need to incorporate staged payments if appropriate (see below) and integration of registration and finance IT applications.

*Indicative timescale: next 12 months*

### **Staged payments**

Following increase in the fee in 2009/10 to £219, it was agreed to investigate the possibility of 'staged payment' of the registration fee to allow registrants to spread the cost of registration.

*Indicative timescale: Spring 09*

### **Vetting and Barring scheme**

Legislation will be phased in from October 2009 – October 2014. It is GOC policy that membership of the Vetting and Barring scheme will become a condition of GOC membership. Operational arrangements to record VBS numbers on the GOC database and enable sharing of information with the Independent Safeguarding Authority (ISA) will be in place from October 2009. The Committee will need to review operation of the scheme and work towards amendments to legislation to come into effect once the scheme is fully rolled out in 2014.

*Indicative timescale: next six months; next two-three years*

### **Review of content of/access to the registers**

In light of CHRE performance review recommendations and in order to remain up-to-date with best practice, it was agreed to undertake a fundamental review of the content of and access to the registers, to include consideration of public expectations, other stakeholder requirements (eg employer checks), data protection and disclosure.

*Indicative timescale: next 12 months*

### **CET scheme**

Registration Committee oversees the day to day management of the CET Scheme throughout the term of the current agreement, as distinct from the work of the CET Policy and Development Group. (This group is responsible for future arrangements for the scheme post 2010, and will continue to consider options for the scheme beyond the term

of the present agreement.) The second three-year cycle comes to an end on 31 December 2009. Therefore it will be necessary to establish effective systems and processes to ensure objectives are met.

*Indicative timescale: ongoing; next 12 months*

### **Equality and diversity monitoring**

Monitoring of ethnicity, age, gender and disability of registrants commenced with 2009/10 retention process. The Committee will need to review response levels and data analysis. Information about equality and diversity will need to be included in Council's annual report to Parliament.

*Indicative timescale: next 12 months*

### **Student registration**

The Council has committed to review the dates associated with student registration to investigate whether it will be possible to agree a timetable which works better for all parties concerned. In a broader sense, the committee will also need to stay abreast of thinking in respect of student regulation in the health regulatory arena, in order to lead and influence developments. This may be part of a wider review of regulated groups (see below).

*Indicative timescale: next 12 months; two-five years*

### **Health requirements for registration**

The relevance of health/disability to registration is an ongoing issue. Most recently, CHRE has been commissioned by DH to advise on health requirements of healthcare professional regulators. These have been identified by EHRC as potentially discriminatory. The GOC will need to participate in this process to ensure any public protection issues are considered. In this context, a review of the protocol in operation with the universities for considering student disability issues may be required, along with a formal written policy and GOC guidance on joining the registers with a disability.

*Indicative timescale: next 12-18 months*

### **Body corporate registration**

Identified as an area for review. There is a need for greater clarity about the use of protected titles and a policy on enforcement/prosecution of protected titles in business names. At a more fundamental level, a review may be needed of the purpose and benefits of body corporate registration. This may be part of a wider review of regulated groups (see below).

*Indicative timescale: next 12 months; two-five years*

### **Status of dispensing opticians/wider review of regulated groups**

Increasing regulatory demands (eg CET, revalidation) and the lack of government funding for DOs has raised the question of the status of this group. A review is needed of the overall approach to regulation of dispensing opticians to ensure a focused and proportionate approach which ensures public protection. This, together with the broader review of body corporate and student registration, will need cross-committee involvement and may be a significant, longer term project.

*Indicative timescale: Next two-five years*

### **Student and teacher registration**

A cross-Committee working group of Registration, Education and Standards committees met on to formulate guidance on issues of teacher and student registration. GOC Scheme for Student and Teacher Registration to be prepared by the Executive which would include the principles to be recommended to Council.

*Indicative timescale: tbc*

### **Europe – Cross-border registrations**

The GOC is responsible for ensuring compliance with EU Directives for recognition of professional qualifications and applications to register on a temporary and occasional basis. The Committee will need to continue to monitor the operation and impact of these processes and any future developments in this area. This will link in to the work of the Alliance of UK Healthcare Regulators on Europe (AURE) and the Health Care Professionals Crossing Borders (HPCB) group in relation to patient safety issues and information exchange between competent authorities.

*Indicative timescale: ongoing*

## **Education Committee – report to new Council on legacy issues**

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According to the Optician's Act 1989, the Education Committee shall provide advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to optical training, education and assessment.

This document captures the ongoing projects of the Education Committee, and issues/policy areas in which the committee may need to give advice to the Executive and/or Council in future. The draft workplan for the Education function details ongoing work of the Education Department and projects for the period April 2009 to March 2010.

### **CET scheme**

Registration Committee oversees the day to day management of the CET Scheme throughout the term of the current agreement; this is distinct from the work of the CET Policy and Development Group which sits within the Education function. The Policy and Development group reports directly to Council and is responsible for future arrangements for the scheme post 2010.

The CET scheme is currently in its second three-year cycle, which comes to an end on 31 December 2009. In 2008 Council approved an extension to the current contract with Vantage Technologies who run the scheme on the GOC's behalf. The contract has now been extended until 2012 to allow the Council time to consider the requirements of the scheme in light of revalidation before inviting tenders for the new contract.

The next meeting of the Policy and Development Group is planned for Autumn 2009 when the group plans to consider the future requirements of the scheme, options for auditing the scheme and to agree the detail of the tender process for the new contract post 2012.

*Indicative timescale: ongoing; next key date is Autumn 2009*

### **Professionals Crossing Borders / ECOO**

The GOC is responsible for ensuring compliance with EU Directives for the recognition of professional qualifications and applications to register on a temporary and occasional basis. The Committee will need to continue to monitor the operation and impact of these processes and any future developments in this area.

The Committee also seeks to advise Council of any steps necessary to amend its Rules and Regulations to enable it to proactively adopt the principles of the Bologna Agreement.

In addition a need has been identified to review the GOC's current policy on accreditation outside of the UK, both in Europe and beyond. The decision has been brought about following the publication in 2008 of the GOC Accreditation Handbooks which has created interest from overseas training institutions seeking either mutual recognition agreements with the GOC or GOC approval of their programmes which would enable their students direct entry on to the GOC register.

Also indicators received from UK training institutions suggest that a number are already developing partnerships with overseas universities and it is only a matter of time before the GOC is asked to consider accrediting joint UK and overseas training programmes.

The Education Committee has recognised that ultimately Council will need to consider the role of the GOC to determine if it wishes to pursue accreditation requests from outside of the UK .

It is intended that Education Committee will review the current policy on Europe and explore ways of facilitating free movement of registrants and students internationally and across professional boundaries and the accreditation of the ECOO Diploma.

*Indicative timescale: Ongoing.*

*Included in 2009/10 Education Committee work plan.*

### **Overseas Qualifications**

The Education Committee has responsibility to, in light of legislation, review, update and monitor the day to day operation of the Scheme for UK Registration of Non-EEA Qualified Optometrists and the Scheme for UK registration of Non-EEA Qualified Dispensing Opticians. It also reviews, updates and manages the day to day operation of the EEA Directive Route to UK registration as Dispensing Opticians or Optometrists. This process allows the Committee to monitor and identify trends and to review applications under these schemes to ensure that the GOC not only complies with legislative requirements but is also pro-active in responding to trends and changes ensuring an evolving and effective process.

*Indicative timescale: ongoing*

### **Entry Standards for Dispensing Opticians (ESDO)**

In 2005 the GOC introduced a new set of Entry Standards for Dispensing Opticians. To facilitate the implementation of these new standards Education Committee has worked with training institutions and the scheme provider to ensure the smooth and effective transition to the new standards. Following three years of Education Committee visits to each dispensing programme and the scheme provider the Education Committee ESDO panel were satisfied that the new standards have been fully implemented. In 2008 responsibility was transferred to the Visitors Panel who will conduct visits to each programme to consider their suitability for up to 5 years GOC approval.

Over recent years the nature of dispensing training programmes has diversified in response to evolving demands from employers and students wanting more flexible training options. This has resulted in a number of routes with varying academic standards becoming available for students wishing to take the FBDO final qualifying examination, enabling entry on to the GOC Register of Dispensing Opticians. This situation has prompted Education Committee to include in its work plan for 2009/10 a strategic review of DO qualification framework.

*Indicative timescale: 1-2 years.*

### **Status of dispensing opticians/wider review of regulated groups**

Increasing regulatory demands (e.g. CET, revalidation) and the lack of Government funding for dispensing opticians has raised the question of the status of this group. A review is needed of the overall approach to regulation of dispensing opticians to ensure a focused and proportionate approach which ensures public protection. This, together with the broader review of body corporate and student registration, will need cross-committee involvement and may be a significant, longer term project.

*Indicative timescale: Next two-five years*

## **Scheme for Registration**

One of the core functions of the Education Committee is to review, update and monitor the progress for the Scheme for Registration (SfR) with the College of Optometrists (COpt) as the Scheme Provider.

In September 2007 Council approved the College of Optometrists' plans to revise the Final Assessment for the Scheme for Registration. An Education Committee working group has worked with the College to develop the new scheme. In August 2008 the Education Panel visited the pilot of the proposed new examination and was satisfied that the OSCE was an appropriate assessment method for the Final Assessment. The Panel were also satisfied with the College proposals to introduce a new work based assessment programme to trainees by upgrading the assessment visits currently made.

The Education Committee SFR Working Group will continue to work with the College over the coming months to ensure satisfactory implementation of the scheme and will visit the second pilot of the new final assessment in 2009. The new scheme will be fully implemented by summer 2010.

*Indicative timescale: ongoing – expected to take 2 years.*

## **Independent Prescribing**

In response to a change in legislation in 2008 allowing therapeutic specialist optometrists to independently prescribe, the Education Committee produced a new Handbook for Therapeutic Prescribing.

In October 2008 Education Committee established an IP Panel to work with providers to develop training courses for Independent Prescribing. Subsequently, Education Committee has approved proposals from 3 training institutions to offer Independent Prescribing programmes. These courses will commence in April 2009.

In addition, the Panel has worked with the College of Optometrists to develop a suitable Final Assessment for Independent Prescribing training. This assessment is still being developed and it is expected to be available from September 2009.

Once established each of the courses and the Final Assessment will be visited by the IP Panel before final approval is given by Council, following recommendation from Education Committee.

*Indicative timescale: ongoing - expected to continue for 1-2 years.*

## **Visit and Accreditation Process**

One of the GOC's statutory functions is quality assurance of the content and standard of education and training (including practical experience) in optics. This is achieved by a cycle of visits to training institutions resulting in a report to Education Committee and Council on the suitability of training institutes/Scheme Providers for GOC approval. Full details of this process can be found in the GOC Accreditation Handbooks.

In 2008, the GOC concluded that the curriculum for UK undergraduate training in optometry should be redefined as competency statements to be: [a] compatible with the GOC's strategy of a competency based registration process; [b] to allow for easier comparison with European curricula; and [c] to be compatible with the principles of the Bologna Agreement.

Following the introduction of competency statements, Education Committee also undertook a review of our visit process to ensure that the process remained fit for purpose and wherever possible the GOC was able to utilise existing quality assurance reports and processes to obtain the information it requires and to reduce the burden of the accreditation process on both the institutions and the regulator.

The outcome of the review was a decision to introduce an annual monitoring scheme, which would enable the GOC to gain data, monitor progress and be informed on any proposed changes to optics programmes on an annual basis.

The new process requires each institution to submit an annual monitoring form in which they must provide details of progress against the conditions and recommendations of the previous visit, notification of any changes (or proposed changes) to the programme structure, content, assessment methods etc or to staffing and resourcing, student progression and achievement data and clinical records.

This will allow the quinquennial visits to be much more focused on the areas of risk, on clinical patient experience, supervision and areas identified for improvement or change. The length of visits themselves will be reduced from 4 to 2 days. The annual monitoring forms for the years preceding a visit will be used as pre-visit information for the panel, together with additional feedback collected from employers, supervisors and patients via questionnaires which will be sent to these groups in advance of a visit and the responses will be collated into a meaningful report to assist the Panel.

This new scheme is being piloted in February 2009 with full roll out to all Optometry programmes planned for Autumn 2009. Roll out will then be extended to dispensing programmes in early 2010 following full panel visits to all dispensing courses in 2009.

In addition, following the most recent CHRE Performance Review, Education Committee is currently considering how patients' perspectives can be captured and fed into the accreditation process.

*Indicative timescale: ongoing – expected to have concluded by mid 2010.*

## **Fitness to Practise – report to new Council on legacy issues**

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### **Strategic intents**

To ensure the integrity and effectiveness of FTP investigation and adjudication systems.

### **Review policy on criminal prosecutions**

The GOC has identified a need to review its current policy on criminal prosecutions to ensure that decisions to take such action are in line with our values and strategic intents. It is noted that the Vision Direct prosecution was a success; such action can provide assistance to the profession with regard to the outcome as well as combating those individuals who are at the centre of the prosecution.

### **Review approach to allegations of poor clinical practice**

The types of complaint which are made to the Fitness to Practise team vary; one of the hardest allegations to prove are those relating to poor clinical practice. Allegations of this type relate in the main to “single incident” allegations. Given the recent updates in case law relating to the issue of “current impairment” a potential need to adapt the way in which the GOC processes these complaints has been identified. This will include, but is not limited to, a review of procedures followed by other regulators, review of the current performance assessment process and the use of expert witnesses. This will accord with our strategic aim to ensure the integrity and effectiveness of FTP investigation.

### **Introduce scrutiny function**

In order to ensure that the GOC continues to work within its values, it is considered necessary that Council consider the need for a Committee or scrutiny board to review cases considered by the Fitness to Practise Committee. This will accord with our strategic aim to ensure the integrity and effectiveness of FTP investigation and adjudication functions.

### **Adoption of electronic case management system**

CHRE have identified the adoption of a case management system within its performance review process. We are conscious that given the size of our caseload any expenditure for such a system must be proportionate. The GOC must also take into account the possible requirements of OPHA.

### **Improve registrants’ understanding of FTP system/ Public awareness of FTP system**

Our purpose is to protect, promote and maintain the health and safety of the public through effective regulation of eye care professionals and businesses.

In all its publications and communications with the public and its stakeholders the GOC strives to ensure its communications are clear and in accordance with the principles of plain English. The GOC is seeking to ensure that its registrants have an improved understanding of its procedures possibly by a programme of talks to students and approved training institutions.

### **Improve witness and complainant support**

The GOC recognises that complainants and witnesses require more support [than in the past ] and that their expectations need to be managed. [A common misapprehension is that the GOC is bringing a Fitness to Practise case on patient’s behalf.] The GOC

recognises the need to provide information by way of printed publications and the website to ensure that the complainants and witnesses feel supported throughout the process.

**Establish FTP policy group**

The outcomes of Fitness to Practise hearings and the case based discussions of the Investigation Committee identify valuable learning points for the profession and to assist the continual improvement of the FTP process.

**Appoint/reappoint hearings panel**

Panel members are appointed for 5 years; a selection process for the new Panel will be conducted in 2010/11. This will accord with our strategic aim to ensure the integrity and effectiveness of FTP adjudication functions.

## List of current statutory and non-statutory committees of Council

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There are currently eight main committees:

- [Audit](#)
- [Companies](#)
- [Education](#)
- [Finance and procedure](#)
- [Investigation](#)
- [Registration](#)
- [Remuneration](#)
- [Standards](#)

Note: Council members do not sit on the Fitness to Practise and Registration Appeals Committee. These committees are made up of [independent hearings panel members](#).

Council assign work relating to a specific area or project to a working group. There are currently ten working groups, in addition to the [White Paper project board and work streams](#):

- [Bologna working group](#)
- [CET scheme development group](#)
- [Competencies working group](#)
- [Contact lens working group](#)
- [Delegation/ after care working group](#)
- [Entry standards for dispensing opticians](#)
- [Overseas qualification sub committee](#)
- [Sale of optical appliances working group](#)
- [Scheme for registration working group](#)
- [Therapeutics working group](#)

## **Companies Committee - suggested key priorities for New Council**

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In addition to legacy issues the new General Optical Council will need to consider some key priorities. The Companies Committee propose that the priorities should include the following:

### 1) Structure of the GOC

The existing structure of a Council with statutory committees may have served the GOC historically but its limitations are evident. Companies Committee believe that a way forward is to remove the statutory status of most committees. In the place of statutory committees, new-style committees would be established with clear remits and timescales to report against those remits with the flexibility for the Council easily to change remits and membership to meet changing circumstances.

The governance procedures within which decisions are made by executives, committees or passed up the line to the Council will need to be clear. There should be no sense in future of decisions being made by default, by persons of undue influence or by small “insider groups” and accountability for all decisions should be clear. The distinctions between roles and clear water between the responsibilities of Council, committees, working groups and the Executive will need to be made very clear.

### 2) ***Role of a Modern Regulator***

The GOC of the future should look and feel very different – it should be perceived as being open, transparent, with a clear purpose and as an effective clear, and accountable decision – making body. There will also be scope to have a larger sounding board of stakeholders – including patients – to promote greater inclusion.

It will be critical that the GOC demonstrates that its decisions are informed by the views and perspectives of all relevant stakeholders. The GOC has a particular role in providing reassurance to the public and professions about

- safe care
- trained people
- that the regulatory system is appropriate to the level of risk

The new world offers the GOC an opportunity to move beyond the traditional regulator role and recognise its full capacity as a partner with other optical bodies and registrants (both corporate and individual)

without losing its independence and integrity as a regulator in delivering safe, affordable, high-quality eye care to the public.

Modern organisations build in scope for reflection and review of decisions and delivery. The GOC should specifically build this into its annual programme in order to attain year on year improvement.

### 3) Efficient Ways of Working

The way that the Council conducts its business will become increasingly important over time. It is vital that the new, smaller Council will have a high degree of focus and discipline. A clearly articulated strategy for the GOC as a whole will undoubtedly assist

this and give the Council a clear mandate and scope for direction and delivery. It is likely that success will be as equally determined by the effectiveness and integrity of the sub-council structure, and it will be primarily at this level that traction around key actions and activities will occur, and the linkages with the Council in terms of communication and decision making will be key.

#### 4) FTP Process

A considerable proportion of the total cost of running the GOC is related to the fitness to practice process. Moving from the criminal to the civil standard presents a good opportunity to undertake a wholesale review of the current processes and evaluate the existing range of outcomes (possibly as part of the proposed “first year” audit of all cases by the CHRE).

#### 5) CHRE Agenda

It is recognised that in comparative terms – 15,000 practitioner registrants, and low levels of risk – optics is very small. Any new system of regulation should be proportionate to this low level of risk and the relatively small size of the sector that would have to bear the burden and cost. The new Council will need actively to influence that agenda so that whatever generic changes are made to the regulatory systems as a whole are beneficial to eye care (including in terms of cost).

#### 6) Viability of the Sector

As well as reassuring the public there is also a need to reassure the sector that the GOC supports its expansion and growth in delivering benefits to patients.

To date the GOC has not articulated this role, which could in future see it working in partnership with the whole sector to deliver high quality care to the nation (whilst nevertheless maintaining its independence and integrity as regulator). In this the GOC could not avoid considering the consequences of its actions on the market and the patients the market serves. This does not mean that it should be market driven or unduly market influenced, rather that – when making decisions – it should take account of all the possible impacts of its decisions including the impacts of costs and hidden costs within the market system which ultimately impacts on patients and patient choice.

### Conclusion

The GOC will need to clarify a clear vision of what it is about and how it will work in future both for its own internal purposes as well as for external stakeholders. Ideally, this will be as part of an interlocking regulatory system in which all parts work together to protect patients and promote high standards of eye care. This “vision” will then inform the function and form of the new Council, its committees and governance structures.

Within this vision working with stakeholders will be key. The GOC should map the stakeholder continuum and agree what weight of input should be given to various stakeholders. Companies deliver two-thirds of NHS sight tests and account for three quarters of the value of the market and in the current economic environment this share is likely to increase.

The members of the Companies Committee and the corporate sector would be happy to discuss the thinking and detail behind the above priorities with members of the new Council and stand ready to support the new Council in any way they can.

## **White Paper – report to new Council on legacy issues**

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This document captures the ongoing White Paper projects and issues in which the project may need to give advice to the Executive and/or Council in future. A Gantt chart, detailing detailed areas of work identified for the period April 2009 to January 2012, is available; however this is being revised in light of the recent advice received from the Department of Health (DH).

### **Legislation**

The Gantt chart had been prepared on the basis of a detailed legislative timetable provided by the DH. We received advice in February that timetable is no longer in use. In its place, the DH has asked CHRE to liaise with the regulatory bodies in order to ascertain the legislation each regulator requires. The GOC will require legislative change, through the use of secondary legislation called ‘Section 60 Orders’, for the following matters:

#### Non-Medical Revalidation

To introduce any legislative changes required to implement the GOC’s revalidation scheme. Based on the timetable previously provided by the DH, consultation on the Order was to take place autumn 2009, made by Parliament autumn 2010, with the associated Statutory Instruments complete spring 2011.

*Indicative timescale: next 1-3 years*

#### Structures, Governance & Fitness to Practise

This Order will introduce the legislative changes required for changes to the GOC’s committee structure and to enable a lay majority of Council, if agreed by the new Council. Based on the timetable previously provided by the DH, consultation was to begin in autumn 2009, made by Parliament spring 2010, with the associated Statutory Instruments complete summer 2011.

*Indicative timescale: next 1-3 years*

### **Committee Constitution Rules**

Changes to the GOC’s Committee Constitution Rules, including the enablement of the populating by non-Council members, will be brought into effect 1 April 2009.

In the response to the consultation on the Committee Constitution Rules, an issue arose with regards to the constitution of the Fitness to Practise Committee when considering an allegation against a business registrant. A proposal was made that the committee should include a business registrant, or a responsible officer from a business registrant. This matter was deferred for consideration by the new Council.

*Indicative timeframe: 1 year*

### **Committee appointments**

The existing Council has agreed that, for an interim period, the committees, although reconstituted, will be populated by existing Council members. This decision was taken to ensure continuity, during a transitional period, until the new Council was in place and could take a decision on committee membership.

The new Council will be asked to agree the interim membership of the reconstituted committees.

*Indicative timeframe: 2 April 2009*

**The new Council will be required to agree the process to be adopted to appoint non-Council members to committees. Once agreed, detailed work can commence on process adopted.**

*Indicative timeframe: 1-2 years*

The new Council will need to consider the establishment of a Scrutiny Committee, to carry out an internal audit of Fitness to Practise decisions. Initially this will be to consider decisions of the Fitness to Practise Committee, and later the decisions of the Office of the Health Professions Adjudicator with regards to GOC cases.

*Indicative timeframe: 1-2 years*

### **Revalidation**

The Government's White Paper, *Trust, Assurance and Safety*, directs that all healthcare professionals should be subject to periodic revalidation, but that this should be proportionate to the risks associated with each profession. The Non-medical Revalidation Working Group, established by the Government, published a set of high-level principles on revalidation in 2008, and the GOC reported to the DH its intentions regarding revalidation in January 2009. Work will continue to put in place a revalidation scheme for implementation in 2012.

*Indicative timescale: ongoing. Included in the Standards Committee 2009-10 work plan.*

### **Office of the Health Professions Adjudicator**

The Health and Social Care Act 2008 created a new independent adjudication body, the Office of the Health Professions Adjudicator (OHPA), which is set to begin hearing cases in early 2011. Although its initial remit will be to adjudicate GMC fitness to practise cases only, provisions have been included in the Act to allow the GOC to transfer its adjudication function at the earliest opportunity. This is expected to occur 2012. The Tackling Concerns Nationally Working Group, which considered the future operation of OHPA, published its report 2009.

*Indicative timescale: 3 years*

### **EU Directive (Recognition of Professional Qualifications)**

The task of reviewing the effect of the EU Directive on Fitness to Practise processes was originally assigned to a workstream, established under the White Paper project, to consider 'Tackling Concerns' matters. To date, no Fitness to Practise cases have arisen as a result of the Directive. This matter will require ongoing monitoring and periodic review.

*Indicative timescale: ongoing*

## **CHRE/National Working Group Projects**

The White Paper identified a number of projects to be carried out either by CHRE or DH sponsored National Working Groups. The GOC will be required to keep itself informed of the work of the CHRE and the national working groups and to input into their work, as required:

### CHRE Project on Audit of Initial Stages of Fitness to Practise

The White Paper set out an intention for CHRE to set up a new auditing process to assess whether patient safety interests have been properly considered in the decisions and operations of the regulators on fitness to practise cases. In early 2009, CHRE consulted on their proposals. The GOC will be required to give consideration to their findings.

*Indicative timescale: 1 year*

### Common protocols for investigation and threshold for referrals

The White Paper tasked CHRE with a project to “work with stakeholders to develop common protocols for investigation across all the regulators, with guidance to employers on when cases should be referred to the national professional regulator”. In 2008 the GOC responded to the CHRE’s request for information to inform their project. They have drafted a set of protocols that should apply at all stages of an investigation, which has been submitted to be incorporated into the report of the Tackling Concerns Locally Clinical Governance Working Group (report not yet published).

*Indicative timescale: 1 year*

### Definition of Good Character

The White Paper also tasked CHRE with identifying a single standard definition of good character. Their final report has now been published. Consideration of their findings is required for embedding into GOC registration and revalidation requirements.

*Indicative timescale: 1 year*

### Information on Registers

A subgroup of the Tackling Concerns Locally NWG was established with the remit of designing and implementing systems for sharing information that could lead to early identification of poor practice in order to better protect the public. The subgroup was expected to publish their findings in summer 2008; however this is still awaited and is likely to be published together with the DH’s response. The GOC will be required to give consideration to their findings.

*Indicative timescale: 1 year*

### Extending Professional Regulation

A national working group was established to make recommendations on the criteria by which emerging health care roles will be judged to determine whether they should be regulated and to make recommendations about existing non-regulated healthcare roles. The GOC will be required to give consideration to their findings.

*Indicative timescale: 1-3 years*