

The Constitution of the GOC's Statutory Committees

1. At its meetings of 19th May 2008 and 3rd July 2008, the Council agreed the constitution of its statutory committees under the revised constitutional arrangements for Council which come into effect on 1st April 2009. The table below sets out the conclusions reached regarding the size, membership and quorum of the committees:

	Education Committee	Standards Committee	Investigation Committee	Registration Committee
Size	Minimum 9 Maximum 18	Minimum 9 Maximum 18	9	Minimum 7 Maximum 14
Membership	At least: 3 optometrists 2 dispensing opticians 3 lay persons 1 registered medical practitioner	At least: 3 optometrists 3 dispensing opticians 2 lay persons 1 registered medical practitioner	 3 optometrists 2 dispensing opticians 3 lay persons 1 registered medical practitioner	At least: 2 optometrists 2 dispensing opticians 2 lay persons 1 responsible officer from a business registrant
Quorum	5 including 1 optometrist, 1 dispensing optician and 1 lay person	5 including 1 optometrist, 1 dispensing optician, and 1 lay person	5 including 1 optometrist, 1 dispensing optician and 1 lay person	3 including 1 optometrist, 1 dispensing optician, and 1 lay person

2. It was agreed that the Chair of each the above committees would be appointed by the Council, and not elected by the members of each committee. Furthermore, it was agreed that the criteria under which a person should be disqualified from being a member of a statutory committee, and removed or suspended from membership, should mirror the criteria that will apply to the membership of Council under its Constitution Order.

3. With regard to the Companies Committee, it was agreed that this should be retained as a standing, but non-statutory, committee of Council. Since making that decision, the Department of Health has confirmed that the Section 60 Order which had been identified as the appropriate order to remove Companies Committee from the statute has been delayed and will not now be consulted on until October 2009 at the earliest. This means that Companies Committee will need to be retained as a statutory committee at least for an interim period under the new Council, and therefore revisions will need to be made to the Committee Constitution Rules with respect to Companies Committee to reflect the new arrangements. Council is required to consult with

'organisations appearing to the Council to represent the interests of substantial numbers of business registrants' before making rules regarding the constitution of Companies Committee.

The Fitness to Practise Committee and Registration Appeals Committee

4. Practical difficulties regarding the current constitution of the Fitness to Practise Committee and the Registration Appeals Committee have caused the GOC's executive to review the current rules.

5. The existing rules require that the Fitness to Practise Committee have 5 members for all hearings (with a quorum of 3). The rules also prohibit any member sitting as a member for the hearing of a case if they have previously sat as a member of a Committee that has considered that same case. This has led to difficulties in securing the availability of Hearing Panel members to constitute committees where a number of different hearings (interim order, interim order review, procedural, substantive) have considered the same case. Furthermore, the current rules do not make specific provision with respect to the constitution of the Fitness to Practise Committee and the Registration Appeals Committee in circumstances where it is appropriate for one hearing to be held in relation to two or more registrants.

6. It has been proposed that the rules be changed such that the composition of the Fitness to Practise Committee be varied depending on whether the hearing is a substantive hearing (5 members) or whether it is a procedural or review hearing (3 members). Furthermore, it has been proposed that the rule prohibiting persons from being members of a committee for cases that they have previously considered be amended so as to only apply where the member has made or reviewed an interim order with respect to that case. It has also been proposed that specific provision is made to deal with the constitution of the Fitness to Practise Committee and the Registration Appeals Committee for hearings held in relation to two or more registrants.

7. The above proposals from the executive were considered and supported by the Project Board at its meeting of 10th September 2008, and have been agreed with the Department of Health.

Consultation

8. In liaison with the Department of Health, rules were drafted to give effect to the above decisions and proposals by amending the GOC's Committee Constitution Rules. With respect to the Companies Committee, it was decided that, as an interim measure until such time as the committee is removed from the statute, the rules should maintain the current constitution of the committee, but remove the existing requirements that certain members be drawn from the membership of Council.

9. A written consultation on the rules was undertaken. The consultation was issued to 73 organisations, including professional and representative bodies, patient groups, and other regulatory bodies, and posted on the GOC's

website. 12 responses were received (including one joint response). The consultation period was 8 weeks - this period being agreed with the Department of Health - and closed on 7th November 2008.

10. An analysis has been undertaken of all the consultation responses. The Project Board agreed by e-mail the recommended responses that Council should make to the key issues raised in the consultation – see **Annex 1**.

The Rules

11. The rules are annexed – see **Annex 2**. It is intended that the provisions relating to the constitution of the Fitness to Practise Committee and the Registration Appeals Committee will come into effect on 5th January 2009. The remaining provisions will come into effect on 1st April 2009 to coincide with the revised arrangements for the constitution of Council.

Council is asked to make the rules to revise its Committee Constitution Rules.