

**CHRE Performance Review 2008/09**

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For consideration

**Background/Introduction:**

1. In July 2009 the CHRE published a report of its 2008/09 performance review of the GOC. Attached at **Appendix 1** is an extract from the report which relates to the 'Overall assessment' section for GOC.
2. Below are the proposed actions for addressing the issues listed in the 'Overall assessment' section of the CHRE report following that review.

**Discussion:**

Communication around the purpose of the register and the need to check that a professional is registered.

3. At its July 09 seminar Council was presented with the Registration Project Plan entitled 'Register Content and Access'. The project is designed to address the following CHRE performance review standards:
  - 2.2 Registers are accessible to the public and include appropriate information about registrants.
    - i) The regulator makes its registers accessible to the public. For example, the register is available on the internet and for review on site.
    - ii) The public and where applicable employers are easily able to find a specific registrant and identify if they are eligible to practise.
    - iii) Relevant fitness to practise history and sanctions are included within registration information.
  - 2.3i) The regulator publicises the importance of checking that a professional is registered. The communications plan is targeted to a national audience of employers and the public and uses a variety of methods.
4. Linked GOC projects are in Communications on Raising Public Awareness of the GOC and to Implement the stakeholder engagement strategy and ensure the GOC understands public and patient expectations when developing strategy/policy.
5. The relevant CHRE performance review standard for the public awareness project is:
  - 2.3 i) The regulator publicises the importance of checking that a professional is registered. The communications plan is targeted to a national audience of employers and the public and uses a variety of methods.
6. This Register Content and Access project is progressing on schedule and on budget. Consultation events have been planned for September and October

2009. A facilitator for these events has been engaged, publicity for the events is underway, venues booked and planning and preparation are ongoing.

7. The communications project to raise public awareness of the registers, and of how to complain is progressing on schedule and on budget. Registration Committee will be presented with an update on activities at their meeting on 17 September. This includes a series of focus groups held to gain feedback on ideas for a 'toolkit' of materials to promote practitioners' registration. Further research with patients and the public is planned once a draft 'registration toolkit' is compiled, particularly to test usability and accessibility. We are continuing to raise awareness of the how to complain about an optician – a patient leaflet is now available (approved by the Plain English Campaign), and we have forged links with groups such as Citizens Advice Bureaux to ensure this information is readily available to the public.

#### The time taken to progress through the fitness to practise process

8. At its May 09 seminar Council was presented with the FTP Project Plan on – Establishment of service standards/key performance indicators in relation to fitness to practise processes (and arrangements to monitor performance against those standards/KPIs)
9. The relevant CHRE performance review standards for this project are:
  - Standard 3: Fitness to practise cases are dealt with in a timely manner at all stages.
  - Standard 3.1iv): Cases are listed and heard quickly by Fitness to Practise panels after referrals
  - Standard 3.3v): The regulator has service standards or equivalent for each key milestone of the FTP process and monitors its performance. This information is accessible to its stakeholders.
  - Standard 5.2iii): The regulator sets appropriate key performance indicators or equivalent and publishes information on its performance against them.
10. Linked GOC projects are in FTP on development of an electronic case management system (as such a system is the most effective way of carrying out monitoring of service standards/KPIs) and the FTP project to develop a format for the annual FTP report (as such reports could usefully include data relating to performance against service standards/KPIs)
11. The Director of Legal and FTP has reviewed the length of time it took for cases in 2008 to progress to consideration by the Investigations Committee (IC). Based on 2008 case data, it is recommended that the KPI which could reasonably be set at the current time for the investigation process would be **to progress 80% of cases to consideration by the Investigation Committee** (for the first time – so not including any second consideration by the IC) **within 9 months of receipt of the investigation form.**
12. It is expected that this KPI should be re-set at closer to the 6 or 7 months in future years, but it will not be possible to achieve better than 9 months with the current resources, particularly if at the same time there is an expectation to improve the quality/quantity of the investigation work carried out prior to consideration by the IC. It is also probable that in order to improve the current KPI the GOC will need, not only to increase resources within the FTP team, but

also to hold additional IC meetings (or set up another mechanism for disposing of cases) in order to both shorten the current timeframe and then to maintain a higher regular throughput of cases.

13. Following the review of 2008 IC cases, the number of IC meetings scheduled for the remainder of the current (2009/10) financial year has been increased by two (and funding for this included in the revision to the current year budget accepted by Council at its July 2009 meeting). The draft budget for the next FY (2010/11) includes a sum of money to accommodate 9 meetings of IC. In addition the draft budget for the next FY accommodates funding for the recruitment of one extra member of staff to the investigations team.
14. The Executive propose a KPI **to serve the Notice and other documents on the Hearings Manager in 80% of cases within 7 months of the referral of the case by the Investigation Committee.**
15. Following further review the Executive will bring forward a recommended KPI for the period from the procedural hearing to substantive hearing.

The approval of guidance for identification of serious cases and guidance on the referral of cases from its Investigating Committee to its Fitness to Practise Committee.

16. The Director for Legal and FTP has drafted a form for the investigation team to use in future to identify any complaints that should be considered for an interim order application. Forms have been completed in respect of all current complaints.
17. The Investigations Committee has been drafting and revising draft criteria and guidance for referring a case to the Fitness to Practise Committee since March 2009. The Committee approved a draft document for consultation and the GOC is currently seeking feedback on the guidance. The consultation document is available on the GOC's website at [www.optical.org](http://www.optical.org). The closing date for response is 9 November 2009. A further report on the outcome of the consultation will be presented to a future meeting of Council.

Consideration of the GOC's requirement for an IT case management system

18. At its May 09 seminar Council was presented with the FTP Project Plan on the development of electronic case management system. The project will address the following relevant CHRE performance review standards:
  - Standard 3.3vi): The regulator has a case management system.
  - Standard 3.3v): The regulator has service standards or equivalent for each key milestone of the FTP process and monitors its performance. This information is accessible to its stakeholders.
19. Preliminary working on scoping the extent of these IT processes is currently being undertaken by the Director for Legal and FTP and the Director will be reviewing the options for an IT case management system by consulting with the CHRE and other healthcare regulators.
20. It is proposed that in the current financial year a system be built in Excel which will provide a limited IT system to a certain amount of management data relating to performance against service standards.

21. It is anticipated that this immediate solution will have data relating to all cases opened since April 09 inputted by January 2010 and that there will be a commitment that the progress of each case against KPIs will be monitored by the Director and Investigations Manager on a monthly basis. There is currently no budget provision to enable the building of such an Excel spreadsheet, should the GOC's IT Officer not be able to undertake this due to capacity or other reasons, nor to enable the backdating of the data to be included in the spreadsheet. The latter task will impact upon the FTP team's resources.
22. This will enable the Director (going forward from January 2010) to consider the GOC's longer term solutions for an IT Case Management System.
23. An indicative sum of £50,000 has been put into the draft 2010/11 budget to enable a more extensive system based on Access to be built during 2010/2011. This more extensive system would permit more detailed monitoring of the caseload and performance against services standards. However, it is not yet clear whether such a system would comply with CHRE's expectations – the Director will not be in a position to assess this until the work to scope the GOC's requirements, and to assess the systems currently in place within other healthcare regulators has been completed. Therefore, the 2010/2011 budget includes provision (depreciated) for both an Access system **and** a bespoke custom-built case management system.
24. The expectation is that an IT case management system will form part of an IT project commencing in the next financial year to create a modernised organisation-wide IT system for the management of all of the GOC's main in-house processes.

The publication of summary assessment reports on education providers

25. At its May 09 seminar Council was presented with the Education Project Plan to develop and implement an Annual Monitoring Scheme and Stakeholder Engagement in Accreditation Process.
26. The project will address the following relevant CHRE performance review standards:
  - 4.2) The Regulator ensures that its standards for the delivery of education and training are appropriate, comprehensive, prioritise patients interests and reflect up to date professional practice
  - 4.3iii) Students', trainees' and patients' perspectives are taken in to account as part of the evaluation.
  - 4.3iv) Information on the assessment / accreditation process and final results are accessible to all stakeholders
27. The development of an Annual Monitoring Scheme has been completed and an annual monitoring form has been written and approved by the Education Committee.
28. Piloting is now underway
29. Proposals for the mechanism for reporting on the data received from the pilot will be taken to the 1 October 2009 meeting of the Education Committee and recommendations brought to Council at its November 2009 meeting.

The introduction of organisation-wide service standard

- 30. A project plan to identify the current procedures and processes of each department and establish KPIs has been written.
- 31. Relevant CHRE performance review standards
  - The regulator ensures that its planning documents take account of risk.
  - The regulator sets appropriate key performance indicators or equivalent and publishes information on its performance against them.
  - There are effective appraisal systems and processes
- 32. The project is on target for delivery by the close of 2009.

Changes to governance arrangements

- 33. The CHRE noted that the GOC had undergone a period of governance change. The CHRE indicated that it would follow up on the GOC's progress in changes to its governance arrangements (as listed below) in the next year's review and commended the progress made to date.

<b>Outstanding changes to governance</b>	<b>Progress made</b>
Review of governance arrangement for the appraisal of members	Completion by February 2010 – joint working of Audit Committee and HR&OD Directorate.
Review of scheme of delegation	Scheme of Delegation reviewed and approved by Council in April 2009
Development of a code of conduct and complaints system for members	Code of Conduct reviewed and approved by Council in April 2009. Review of complaints system to be completed.

Use of the GOC ethnicity and diversity data in other areas of its work

- 34. The CHRE noted that following a review of best practice the GOC was planning to enhance its monitoring programme to include fitness to practice complainants. CHRE indicated that it would be interested in seeing how the GOC uses this data in other areas of its work.
- 35. The 2008 Annual Report presents the analysis of the ethnicity and diversity data received following the responses received during the 2009/10 retention process.

**Recommendation(s):**

Council is invited to consider the actions proposed by the Executive in response to the items identified by the CHRE for consideration within the 2008/09 performance review and to make any recommendation for amendment or addition.

**Resource implications:**

36. Resource implications are as indicated in the body of the report and within the original project plans submitted to Council throughout May, June and July 2009.

**Equality and diversity implications:**

37. Equality and Diversity impact assessments were carried out as part of the original project planning stage and details are available within the project plans submitted to Council throughout May, June and July 2009.

**Human Rights Act implications:**

38. Human Rights Impact Assessments were carried out as part of the original project planning stage and details are available within the project plans submitted to Council throughout May, June and July 2009.

**Stakeholder engagement:**

39. A Consultation Checklist has been completed as appropriate as part of the original project planning stage and details are available within the project plans submitted to Council throughout May, June and July 2009.

**Extract from the CHRE 2008/09 Performance Review Report**

**16 The General Optical Council**

**●● Overall assessment**

16.1 Changes in leadership, Council membership, senior staff and a period of transition have made it a difficult year for the General Optical Council (GOC). We recognise that there is a significant amount of work underway to address the areas of improvement identified by the GOC and in last year's performance review. However we are disappointed at the rate of progress made on some matters.

16.2 We consider that the GOC has performed well in:

- Requiring a signed photograph of all students who join the GOC's register.
- Taking action against an internet retailer who was selling contact lenses without a valid specification or supervision of a registered doctor or optician.

16.3 In next year's review we would like to see what progress has been made in the following areas:

- Communication around the purpose of the register and the need to check that a professional is registered.  
The time taken for cases to progress through the fitness to practise process.
- The approval of guidance for identification of serious cases and guidance on the referral of cases from its Investigating Committee to its Fitness to Practise Committee.
- Consideration of its requirements for an IT case management system.
- The publication of summary assessment reports on education providers.
- The introduction of organisation wide service standards.
- Changes to its governance arrangements.
- Use of its ethnicity and diversity data in other areas of its work.