

ALLOCATION OF ROLES AND RESPONSIBILITIES

This document sets out the role of the Council, its Committees, the Registrar and the Council staff

Part 1	_____	The Council and Registrar
Part 2	_____	The Education Committee
Part 3	_____	The Companies Committee
Part 4	_____	The Investigation Committee
Part 5	_____	The Registration Committee
Part 6	_____	The Registration Appeals Committee
Part 7	_____	The Standards Committee
Part 8	_____	The Fitness to Practise Committee
Part 9	_____	The Hearings Panel
Part 10	_____	The Remuneration Committee
Part 11	_____	The Audit Committee
Part 12	_____	Council staff

All references to sections or schedules are references to sections of, or schedules to, the Opticians Act.

PART 1: THE COUNCIL AND REGISTRAR

Statutory basis

1.1 Section 1 of the Act

Statutory responsibilities

1.2 The Council has the functions set out in Tables A and B of the Scheme of Delegation and the Registrar has the functions set out in Tables C and D of the Scheme of Delegation.

Delegated responsibilities

1.3 The Council delegates to the Registrar under section 6A, the functions indicated in column 3 in Tables A and B of the Scheme of Delegation.

Additional responsibilities

1.4 The Registrar has the additional responsibilities set out in the Registrar's job description.

Composition and Membership

1.5 The Council is constituted in accordance with Schedule 1 of the Act.

Frequency of Meetings

1.6 The Council will meet no less than four times a year.

Administrative support

1.7 Administrative support to the Council shall be provided by the Registrar. All Directors will usually attend meetings of the Council.

PART 2: THE EDUCATION COMMITTEE

Statutory basis

2.1 Section 2 of the Act

Statutory responsibilities

2.2 There shall continue to be a committee of the Council known as the Education 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 optical training, education and assessment (Section 2(1)).

The Committee shall undertake the functions allocated to them under Part 2 of the Act (section 12(4): review of requirements as to the content and standard of education and training and advice as to the necessity of changes to those requirements).

Delegated responsibilities

2.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6A the functions set out in Table A of the Scheme of Delegation).

Additional responsibilities

2.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the making, or revision, of rules under section 11A(1) (rules providing for a continuing education and training scheme);
- (2) advise the Council as to approvals under sections 12(7) and 12(9) (approval of establishments, qualifications and tests of language; approval of establishments providing partial education and training and qualifications which meet only some requirements);
- (3) advise the Council as to the commissioning of advice under section 12(8) (commission of advice regarding establishments or qualifications);
- (4) advise the Council as to the withdrawal of approvals under section 13(7) (withdrawal of approval from a training establishment or of a qualification);
- (5) keep under review the provisions of Part 2 of the Opticians Act (registration and training) and subsidiary rules relating to the work of the committee and propose revisions, as appropriate;

Composition and Membership

2.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

2.6 The Committee will meet no less than three times a year.

Administrative support

2.7 Administrative support to the Committee shall be provided by the Education Department.

PART 3: THE COMPANIES COMMITTEE

Statutory basis

3.1 Section 3 of the Act

Statutory responsibilities

3.2 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 this Act to be considered by the Investigation Committee, the Registration Appeals Committee or the Fitness to Practise Committee (Section 3(1)).

Delegated responsibilities

3.3 N/A

Additional responsibilities

3.4 N/A

Composition and Membership

3.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

3.6 The Committee will meet no less than three times a year.

Administrative support

3.7 Administrative support to the Committee shall be provided by the Director of Regulation.

PART 4: THE INVESTIGATION COMMITTEE

Statutory basis

4.1 Section 4 of the Act

Statutory responsibilities

4.2 There shall be a committee of the Council known as the Investigation Committee for the purpose of investigating any allegation that -

- (a) a registered optometrist's or a registered dispensing optician's fitness to practise is impaired;
- (b) a business registrant's fitness to carry on business as an optometrist or a dispensing optician or both is impaired; or
- (c) a student registrant's fitness to undertake training as an optometrist or a dispensing optician is impaired (section 4(1)).

The Committee shall undertake the functions allocated to them under Part 2A of the Act (section 13D(5): decision as to whether an allegation ought to be considered by the Fitness to Practise Committee; section 13D(6): direction to registrar to refer; section 13D(7): decision as to whether to give a warning; section 13D(8): direction to registrar not to refer and not to give a warning; section 13D(9): direction to registrar to seek an interim order).

Delegated responsibilities

4.3 N/A

Additional responsibilities

4.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the making, or revision, of rules under section 13E(1) (rules delegating functions of the Investigation Committee);
- (2) advise the Council as to the making, or revision, of rules under section 23C(1)(b) (procedure of the Investigation Committee);
- (3) advise the Council as to the making, or revision, of rules under section 23C(3) (appointment of assessors);
- (4) keep under review the provisions of Parts 2A and 3A of the Opticians Act (fitness to practise / proceedings and appeals) and subsidiary rules relating to the work of the committee and propose revisions, as appropriate.

Composition and Membership

4.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

4.6 The Committee will meet no less than six times a year.

Administrative support and attendance of officers

4.7 Administrative support to the Committee shall be provided by the Fitness to Practise and Legal Department.

PART 5: THE REGISTRATION COMMITTEE

Statutory basis

5.1 Section 5A of the Act

Statutory responsibilities

5.2 There shall be a committee of the Council known as the Registration 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 registration, other than matters required by this Act to be considered by the Registration Appeals Committee (Section 5(1)).

Delegated responsibilities

5.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6A, the functions indicated in column 3 in Table A of the Scheme of Delegation.

Additional responsibilities

5.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the making, or revision, of rules under sections 10(1) and 10(1A) (form and keeping of registers, registration and entry of specialties);
- (2) advise the Council as to the making, or revision, of rules under section 10A(5) (rules specifying types and amounts of adequate and appropriate insurance);
- (3) advise the Council as to the publication of the registers under section 11;
- (4) advise the Registrar as to the exercise of his powers set out in rules 5(2), 8(3), 9(3) and 18(2) of the Registration Rules (information which may additionally be sought from applicants for registration, retention or restoration);
- (5) keep under review the provisions of Part 2 of, and Schedule 1A to, the Opticians Act (registration and training / registration appeals) and subsidiary rules relating to the work of the committee and propose revisions, as appropriate.

Composition and Membership

5.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

5.6 The Committee will meet no less than three times a year.

Administrative support

5.7 Administrative support to the Committee shall be provided by the Registration Department.

PART 6: THE REGISTRATION APPEALS COMMITTEE

Statutory basis

6.1 Section 5A of the Act

Statutory responsibilities

6.2 There shall be a committee of the Council known as the Registration Appeals Committee, for the purpose of hearing and determining appeals against any decision of the registrar refusing to enter the name of an individual or body corporate in, or to restore it to, the appropriate register (Section 5A(1)).

The Committee shall undertake the functions allocated to it under Parts 2A and 3A of, and Schedule 1A to, the Act.

Delegated responsibilities

6.3 N/A

Additional responsibilities

6.4 N/A

Composition and Membership

6.5 The Committee shall be constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

6.6 The Committee will meet from time to time as necessary.

Administrative support

6.7 Administrative support to the Committee shall be provided by the Hearings Manager.

PART 7: THE STANDARDS COMMITTEE

Statutory basis

7.1 Section 5B of the Act

Statutory responsibilities

7.2 There shall be a committee of the Council known as the Standards 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 the standards of conduct and performance expected of registrants or those seeking admission to a register (Section 5B(1)).

The Committee shall undertake the functions allocated to it under Part 2 of the Act (section 12(4): review of competencies for qualification and advice as to the necessity of changes to those competencies).

Delegated responsibilities

7.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6A the functions indicated in column 3 in Table A of the Scheme of Delegation.

Additional responsibilities

7.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the need for provision, or revision, of guidance for individual registrants under sections 13A(1)(a) and 13(4);
- (2) advise the Council as to the need for provision, or revision, of guidance for business registrants under sections 13A(2)(a) and 13(4);
- (3) advise the Council as to the making, or revision, of rules under section 24(3) (testing of sight by persons training);
- (4) advise the Council as to the making, or revision, of rules under section 25(3) (fitting of contact lenses by persons training);
- (5) advise the Council as to the making, or revision, of rules under section 27(3C) (specifying arrangements for aftercare);
- (6) advise the Council as to the making, or revision, of rules under section 31(1)(b) (carrying on of practice or business under names other than those under which they are registered);
- (7) advise the Council as to the making, or revision, of rules under section 31(1)(c) (prescription, sale, supply and administration of drugs);
- (8) advise the Council as to the making, or revision, of rules under section 31(1)(d) (practice of orthoptics);
- (9) advise the Council as to the making, or revision, of rules under section 31(1)(e) (prescription, sale, supply and fitting of contact lenses);
- (10) advise the Council as to the making, or revision, of rules under section 31(3) (requirements to be met if prescribing, fitting, supplying or selling contact lenses);

PART 7: THE STANDARDS COMMITTEE

- (11) advise the Council as to the making, or revision, of rules under section 31(5) (taking of prescribed steps to refer where person suffering from injury or disease of the eye);
- (12) keep under review the provisions of Part 4 of the Opticians Act (criminal offences) and subsidiary rules and propose revisions, as appropriate.
- (13) keep under review the provisions of sections 31 and 31A of the Opticians Act (professional rules) and propose revisions, as appropriate.

Composition and Membership

7.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

7.6 The Committee will meet no less than three times a year.

Administrative support

7.7 Administrative support to the Committee shall be provided by the Standards Department.

PART 8: THE FITNESS TO PRACTISE COMMITTEE

Statutory basis

8.1 Section 5C of the Act

Statutory responsibilities

8.2 There shall be a Committee of the Council known as the Fitness to Practise Committee for the purpose of inquiring into and determining allegations relating to -

- (a) the fitness of registered optometrists and registered dispensing opticians to practise;
- (b) the fitness of business registrants to carry on business as an optometrist or a dispensing optician or both; and
- (c) the fitness of student registrants to undertake training as an optometrist or a dispensing optician (Section 5C(1)).

The Committee shall undertake the functions allocated to it under Parts 2A, 3A and 4 of the Act.

Delegated responsibilities

8.3 N/A

Additional responsibilities

8.4 N/A

Composition and Membership

8.5 The Committee shall be constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

8.6 The Committee will meet from time to time as necessary.

Administrative support

8.7 Administrative support to the Committee shall be provided by the Hearings Manager.

PART 9: THE HEARINGS PANEL

Statutory basis

9.1 Section 5D of the Act

Statutory responsibilities

9.2 The Council shall appoint a panel of persons (“the Hearings Panel”) from whom members of the Fitness to Practise Committee and the Registration Appeals Committee must be selected (Section 5D(1)).

Delegated responsibilities

9.3 N/A

Additional responsibilities

9.4 N/A

Composition and Membership

9.5 The Panel shall be constituted in accordance with the Committee Constitution Rules 2005.

Frequency of Meetings

9.6 The Panel will not meet save for the purposes of receiving training from time to time as necessary.

Administrative support

9.7 Administrative support to the Panel shall be provided by the Hearings Manager.

PART 10: THE REMUNERATION COMMITTEE

Statutory basis

10.1 Section 6 of the Act

Statutory responsibilities

10.2 N/A

Delegated responsibilities

10.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6 the functions indicated in column 3 in Table A of the Scheme of Delegation.

Additional responsibilities

10.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the payment of fees, allowances and expenses under section 5D(3) (payments to Hearings Panel members);
- (2) advise the Council as to the payment of fees and travelling and subsistence allowances under section 13(11) (payments to visitors);
- (3) advise the Council as to the payment of fees, allowances and expenses under section 23D(5) (payments to legal advisers);
- (4) advise the Council as to the payment of fees, allowances and expenses under section 23E(6) (payments to clinical and other advisers);
- (6) advise the Council as to the payment of fees and travelling and subsistence allowances (including the payment of honoraria) under paragraph 11(2)(b) of Schedule 1 (payments to Council members);
- (7) advise the Council as to the level of remuneration to be paid to the Registrar under paragraph 11(2)(c) of Schedule 1;
- (8) advise the Council as to the payments to be made in relation to pensions, gratuities or superannuation schemes to the Registrar under paragraph 11(2)(d) of Schedule 1.

Composition and Membership

10.5 The Committee of 5 members of the Council shall comprise of:

- (1) the Chair of the Council;
- (2) 2 lay members of Council;
- (3) 1 optometrist member of Council;
- (4) 1 dispensing optician member of Council.

Frequency of Meetings

10.6 The Committee will meet from time to time as necessary.

Administrative Support

10.7 Administrative support to the Committee shall be provided by the Registrar.

PART 11: THE AUDIT COMMITTEE

Statutory basis

11.1 Section 6 of the Act

Statutory responsibilities

11.2 None

Delegated responsibilities

11.3 None

Additional responsibilities

11.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council and their Committees as to the conduct of their work and their compliance with the following Council approved documents: Allocation of Roles and Responsibilities, Scheme of Delegation, Standing Orders, Standing Financial Instructions and Code of Conduct;
- (2) review complaints received and dealt with by the Registrar under the Complaints Protocol.
- (3) review the appointment and tenure of external auditors
- (4) advise the Council as to the appointment of external auditors;
- (5) review the financial accounts of the Council
- (6) advise the Council as to the approval of annual accounts
- (7) review the risk management policies of the Council
- (8) advise the Council on any other areas of its work which the Committee believes is part of the role of an audit committee.

Composition and Membership

11.5 The Committee shall comprise of 5 members of the Council (excluding the Chair of Council).

Frequency of Meetings

11.6 The Committee shall meet no less than three times a year and shall meet with external auditor at least once a year.

Administrative support

11.7 Administrative support to the Committee shall be provided by the Director of Resources.

PART 12: COUNCIL STAFF

Statutory basis

12.1 Schedule 1 to the Act

Statutory responsibilities

12.2 N/A

Delegated responsibilities

12.3 Under the Scheme of delegation, the Council and the Registrar delegate under section 6A the functions indicated in column 3 in Tables A, B, C and D of the Scheme of Delegation.

Additional responsibilities

12.4 Each member of the Council's staff has the additional responsibilities set out in his or her job description.

Composition and Membership

12.5 N/A

Administrative support

12.6 N/A