

GENERAL OPTICAL COUNCIL

**Minutes of the 227th public meeting of Council held on
Wednesday 11 July 2018 at 10:00 at 10 Old Bailey, London, EC4M 7NG**

- Present:** Gareth Hadley (Chair), Sinead Burns, Josie Forte, Mike Galvin, Rosie Glazebrook (paragraphs 8742 to 8762), Scott Mackie (paragraph 8746 to 8762), Clare Minchington, David Parkins, Roshni Samra, Glenn Tomison and Selina Ullah.
- GOC attendees:** Adam Sampson, Alistair Bridge, Marie Bunby, Lisa Davis, Marcus Dye, Nicola Ebdon, Simon Grier, Lisa Harmshaw (minutes), Philippa Mann, and Mark Webster.
- External attendees:** Jennie Jones, Richard Edwards and Sue Clarke (Optical Consumer Complaints Service) and Ben Casperz (Claremont Communications, paragraphs 8753 to 8756).

Welcome

8740. The Chair **welcomed** members, employees and those in the public gallery to the 227th public meeting of Council.

Apologies

8741. Apologies were **received** from Helen Tilley.

Declaration of members' interests

8742. Council **noted** that, due to a conflict of interest with item ten, although Helen Tilley had received the public Council paper on Accreditation and Quality Assurance: Cardiff University, she had not received the confidential annex.

Minutes of the last meeting held on 09 May 2018

8743. Council **approved** the minutes of the meeting held on 09 May 2018 as an accurate record of the meeting.

Updated Actions – C23(18)

8744. In relation to action 04(18) – present a comprehensive account of planned communications with registrants which included informal consultation – Council **noted** the updates provided in the Interim Chief Executive and Registrar's report but **requested** that a detailed annual calendar which included all the various communications with registrants (including students) be presented to the next meeting of the Registration committee and to Council in November 2018.

8745. Council **noted** the other action points.

Matters Arising

8746. There were no matters arising.

Interim Chief Executive and Registrar's report – C24(18)

8747. Council **welcomed** the report and:

- **noted** the outcome of the Clarke appeal and the key issue which determined the outcome of the appeal which centred around whether a registrant is *fit* to practise not *intending* to practise;
- **requested** all registrants be provided with assurances on why the additional information on diversity and education had been requested as part of retention (paragraph 13 of the paper) and what it would be used for; and
- **welcomed** there were no ICO reported data breaches during quarter one of 2018/19.

Chair's report – C25(18)

8748. Council **noted** the report.

Fitness to Practise acceptance criteria – C26(18)

8749. Council **noted** that this would be Lisa Davis' last Council meeting before departing to be CEO of her local Citizens Advice Bureau in early September 2018. Council **extended thanks** to Lisa for her dedication and advice to Council during her five years at the GOC and wished her well for the future.

8750. In considering the findings from the consultation, Council:

- **noted** a typographical error on page 13, paragraph 2.8 which should state '*not* acted';
- **noted** that both Council Champions had reviewed and commented on the criteria prior to the document being circulated to Council and were content;
- **welcomed** the summary analysis which showed how the GOC had reflected on the feedback received, **agreed** that the consultation findings demonstrated that the GOC had listened to those who had responded, and **acknowledged** the intention to seek more comprehensive patient feedback in future consultation exercises;
- **noted** the intention to assess any impacts on cases during the next three to six months and that Council would be kept apprised on whether any further changes to the criteria were necessary;
- **requested** the annual audit of FTP complaints include complaints which

had not be taken forward in accordance with the acceptance criteria, the outcome of which would be reviewed by ARC; and

- **noted** that there was a process in place (Rule 50) regarding the right to request a review of a decision to investigate or not investigate a complaint further.

8751. Council subsequently **approved** the guidance and **delegated authority** to the Interim Chief Executive & Registrar and Chair of the Council to finalise the guidance and the consultation findings for publication.

Optical Consumer Complaints Service (OCCS) annual report 2017/18 – C27(18)

8752. Council **welcomed** Jennie Jones, Richard Edwards and Sue Clarke from the OCCS to present the key headlines and trends from their fourth annual report. The presentation can be found [here](#).

8753. In discussion, Council:

- **noted** the 200 per cent. increase in complaints since 2014/15;
- **noted** that approximately six per cent. of cases were referred from the GOC to the OCCS;
- **welcomed** the fall in customer service-related complaints from 33 per cent to 26 per cent;
- **noted** the OCCS were continuing to share insight amongst the profession and across the four nations via: annual reviews with ‘multiples’; dialogue with professional bodies; delivery of CET activity (37 sessions in 2017/18, much of which was interactive); and published case studies which could then be transposed into day-to-day practice. Council **welcomed** this but **agreed** that a mechanism needed to be established to enable proactive sharing with every registrant;
- **noted** the OCCS had begun work in 2017/18 to engage with students, initially via the colleges, and planned to do the same with university departments and that the OCCS had recently trialled having a student intern as part of the team, which had worked well;
- **noted** the top three complaint issues, and **agreed** that dispensing accuracy was a significant regulatory issue with public protection concerns particularly for those with learning difficulties and dementia, that complaints were likely to be underreported from vulnerable complainants, and that more could be done to raise the profile of these issues with the CAB and other charities;
- **noted** the increasing number of complaints being received in relation to non-regulated practices, particularly relating to the outcome of refractive surgery, which did not fall under the remit of the GOC or the OCCS, and there continued to be a gap in meeting patient needs in how these complaints were best resolved and by whom. Council **agreed** that this was a complicated area involving multi-disciplinary teams;

- **noted** the increasing complexity of complaints related to enhanced services, laser eye surgery, and the core role of the optometrist i.e. cataract referrals;
- **noted** the most common reason underlying customers' complaints to OCCS was ineffectual communication at earlier stages;
- **agreed** the GOC Standards of Practice appeared to be assisting registrants in realising their responsibilities with regards to complaints, as there had been an increase in referrals to the OCCS by practices, and **welcomed** the consultation on Business Standards, which was hoped would have a similar impact;
- **agreed** there was a need to reach registrants who were not attending CET events where learning was shared and **suggested** the GOC consider sharing the major learning outcomes/headlines from fitness to practise and OCCS and ask registrants to confirm they had read them as part of CET requirements or retention;
- **requested** the OCCS share information in relation to whether complainants were satisfied with the outcome of their complaint;
- **noted** that the multiple providers had in-house customer services processes which meant they were more able to resolve customer complaints internally;
- **noted** that Scotland was bringing in mandatory complaint handling training and that all practitioners must display a notice advising on how patients could make a complaint. Council **welcomed** this approach but recognised that the different NHS frameworks across the nations might be a complicating factor; and
- **noted** an invitation to all Council members to visit the OCCS or attend a CET session at their convenience.

Safe contact lens use: project update – C28(18)

8754. Council **welcomed** Ben Casperz from Claremont Communications and **noted** the evaluation of the public awareness campaign around contact lens safety and the work on improving the practice of registrants in delivering contact lens aftercare messages to patients in order to ensure public protection. The presentation can be found [here](#).
8755. In considering the evaluation of the 2018 campaign and the work undertaken on improving the practice of registrants in delivering aftercare messages to patients, Council:
- **welcomed** the increased stakeholder involvement during the 2018 campaign but **agreed** that, whilst the GOC had taken the lead in co-ordinating the campaign to date, it was clearly not sustainable without the support and backing of the relevant stakeholders and partners going forward;
 - **welcomed** the intention to re-run the baseline survey undertaken in late 2015 to see if contact lens wearer compliance had changed;

- **discussed** the appropriateness of a regulator having a role in driving this message forward, **agreed** that, given that it responded to a significant public health protection issue identified through research, it therefore fell squarely within the GOC's duty to 'protect and promote the health and safety of the public';
- **acknowledged** the concerns expressed by some registrants who were struggling to understand why the GOC was involved in the campaign and was not using our regulatory powers to prosecute more often;
- **agreed** the campaign was not an alternative to prosecution, but a more creative regulatory intervention in tackling the risk to patients which was being tested, that it had always been the GOC's intention to have a facilitating role in effecting behavioural change and **requested** this message be more clearly disseminated to registrants;
- **questioned** whether it was appropriate for the GOC to promote a message to those who choose to wear cosmetic contact lenses at Halloween to do so responsibly rather than discouraging their use altogether; and
- **welcomed** the toolkit that had been developed for registrants, which would be trialled over the summer of 2018, and the intention to share these with registrants and professional bodies, and encourage CET providers to develop CET in this area using the toolkit.

8756. Council **provided** the following views/suggestions on how the campaign might be developed for the future:

- there should be greater focus on engaging stakeholders and partners, for example contact lens solution providers/manufacturers, contact lens manufacturers (to get the *Love Your Lenses* message on boxes), Moorfields Eye Hospital contact lens unit, Medicines and Healthcare products Regulatory Agency (MHRA);
- consideration should be given to whether March is the optimum time of year for such a campaign;
- source an 'Ambassador';
- move away from a focus on water issues and consider targeting the public who buy online and the complications of not getting adequate aftercare and advice; and
- in order to evidence behavioural change, complete more work to:
 - overcome the patient mindset by balancing the safety messages with the consequences of poor hygiene; and
 - understand and address why patient safety leaflets were not being read by patients.

8757. Taking into account the discussion, Council:

- **agreed** the GOC should continue to run the campaign for its third year as planned; and
- **requested** an evaluation framework be developed prior to the

conclusion of year three of the campaign to enable Council to assess whether it had met its objectives, before a decision about the future of the campaign could be made.

Council's Standing Orders – C29(18)

8758. Council **considered** revisions to its Standing Orders to bring them up to date and:
- **requested** a rethink on 3.14 (abstention only permitted due to a conflict of interest) and an amendment of 'relevant' instead of 'certain' on 6.1 and **delegated authority** to the Chair of Council to approve the final version;
 - **agreed** that the Council meeting protocol would become an internal document used to support induction and that future versions be approved by the Chief Executive and Registrar; and
 - **agreed** that a provision (to enable committees to hold their meetings via electronic means) be kept in the SO on a temporary basis until all committees have approved terms of reference.

Accreditation and quality assurance: Cardiff University and Bradford College – C30(18)

8759. Council **considered** the recommendations of the Education Committee and:
- **granted full approval** to the Post-graduate Certificate in Therapeutic Prescribing at Cardiff University without conditions and **agreed** the proposed changes to the duration of the programme; and
 - **granted full approval** to the BSc (Hons) Ophthalmic Dispensing and Foundation Degree in Ophthalmic Dispensing at Bradford College without conditions.

Council forward plan – C31(18)

8760. Council **noted** the forward plan.

Any other business

8761. Following discussion of the issue at Registration committee, Council **requested** the Executive obtain clarity on whose responsibility it was to ensure that businesses (and their staff) and particularly those working in domiciliary settings were Disclosure and Barring Service (DBS) checked,.

8762. The meeting closed at 12:55.

Date and time of next meeting

8763. The next public meeting of Council would be held on **Wednesday 12 September 2018** at 10 Old Bailey, London, EC4M 7NG (time to be confirmed) followed by **Wednesday 14 November 2018**.