

GENERAL OPTICAL COUNCIL

Minutes of the 217th Public meeting of Council held on Wednesday 10 February 2016 at 10:00 at 10 Old Bailey, London, EC4M 7NG

Present: Gareth Hadley (Chair), Paul Carroll, Brian Coulter, Peter Douglas, Rosie Glazebrook, Scott Mackie, Helen Tilley and Glenn Tomison.

GOC attendees: Alistair Bridge, Marie Bunby (paragraph 8316 to 8338 only), Lisa Davis, Marcus Dye, Nicola Ebdon, Simon Greer, Lisa Harmshaw (minutes), Paul Johnston, Josephine Lloyd, Philippa Mann, Manori Izni-Muneer, Michelle Norman, Samantha Peters and Batool Reza.

Welcome

8368. The Chair **welcomed** members and employees to the public to the 217th public meeting of Council.
8369. A particular welcome was extended to David Parkins who was observing today's meeting. Council **noted** that David would take up his position as of 15 March 2016, in place of Rob Hogan who left Council on 31 December 2015.

Apologies

8370. Apologies were **received** from Liam Kite, Fiona Peel and Selina Ullah.

Declaration of members' interests

8371. All Council members **declared an interest** (as a user as a trustee) as it related to their own fee levels as Council members, but were permitted to remain in the meeting during the discussion and decision on this item.
8372. In addition, Scott Mackie **declared an interest** in relation to CET Approver fees and Gareth Hadley in relation to chair fees. It was agreed that both Scott and Gareth would leave the meeting for the discussion which related to their fees. Council **noted** that, as Senior Council Member, Brian Coulter would chair the meeting in the Chair's absence.

Minutes of the last meeting held on 11 November 2015

8373. Council **approved** the minutes on the meeting held on 11 November 2015.

Updated Actions – paper C01(16)

8374. Council **noted** the progress made on the actions in the paper. In particular

Council **noted**:

- **31(15) i (next Regulatory Chairs meeting – raise how to better engage members of the public in responding to consultations):** the Chair advised that he would be meeting informally with all Chairs on 12 February 2016;
- **22(15) (test the updated booklet ‘What to Expect from your Optician’ with patients/public prior to issue):** Council **noted** that the updated booklet would be trialled in advance of its launch in April 2016. Council **noted** that the booklet would be available in hard copy and also downloadable from the GOC website. Council **requested** that thought be given to the online version being constructed in a manner that would enable registrants to add their own notes if they so wished; and
- **20(15) (public perceptions research: consider how best to disseminate the report):** Council **asked** whether *Healthwatch* had been provided with a copy of the report. The Executive advised that they would be provided with a copy of the most recent report and would also be added to the mailing list for future reports.

Matters Arising

8375. In relation to minute 8336, Council **asked** whether any progress had been made in re-establishing the CET advisory group. The Executive advised that this would be considered as part of the work to review the CET scheme.

Chair’s report – paper C02(16)

8376. Council **received** a report from the Chair updating members on his activities since the Council meeting on 11 November 2015. Council **noted** that:
- registrant Council member Helen Tilley had also joined the Chair on 3 February 2016 when he met with registrant optometrist (and former registrant dispensing optician) Daniel McGhee, a member of Vision Express’ professional services team and mobile optometrist based in South Wales, as well as Jonathan Lawson (Vision Express regional manager for Wales). Council further **noted** that they had also had the opportunity to meet with a student optometrist in their pre-registration year to hear about their educational journey and the challenges faced in relation to the pace of technological change and patient demand;
 - the Chief Executive and Registrar had not joined the Chair of Council at his meeting with Ben Gummer on 9 December 2015 due to illness; and
 - interviews for a dispensing optician member of the GOC Investigation Committee (IC) had taken place on 10 February 2016. an announcement regarding the appointment would be made in due course.
8377. Council **noted** that as a result of Lay Council member Brian Coulter demitting from Council on 30 September 2016 it was necessary to effect some changes

in appointments to Council committees. Council **agreed** to appoint:

- Selina Ullah to be a member of the Education Committee with immediate effect;
- Selina Ullah to be Chair of the Education Committee in the room of Brian Coulter with effect from 1 July 2016 and Brian to remain a member of the Education Committee for the remainder of his period of office as a member of Council;
- Glenn Tomison to be Chair of the Standards Committee in the room of Selina Ullah with effect from 1 July 2016 and Selina to remain a member of the Standards Committee for the time being; and
- Fiona Peel to be Senior Council Member and Chair of the Remuneration Committee with effect from 1 October 2016.

Chief Executive and Registrar's report – paper C03(16)

8378. Council **received** and **noted** the content of the Chief Executive and Registrar's report. In discussion Council:
- **noted** that the Chief Executive and Registrar had recently attended a board meeting of the General Osteopathic Council (GOsC) who were considering applying for charitable status to share with them the perspective of a regulator who had become a charity;
 - **questioned** whether there were any perceived patterns in the 316 Freedom of Information (FOI) requests received in the last quarter beyond those that related to the data breach (300 requests). The Executive advised that this would be considered and built into future reports;
 - **extended thanks** to the Director of Resources and the Facilities and IT Teams for effecting the move from Harley Street to Old Bailey. Council **noted** that one outcome of the move had been a material and visible improvement in employee engagement, both between and within teams;
 - **welcomed** the next staff survey which was about to be undertaken; and
 - **welcomed** the work undertaken by KPMG in FTP as part of the complaints strategy project. KPMG's work involved identifying any issues and good practice within the current process and in assisting with the end-to-end mapping of the FTP journey. Council **noted** that the work had produced 19 recommendations and that a full report would be presented to Council in May 2016.
8379. Council **noted** that the Chief Executive and Registrar had attended the trade exhibition *100% Optical* on 7 February 2016 and participated as a panellist in a debate sponsored by the Worshipful Company of Spectacle Makers about the changes in optical technology, the impact that these would have on training and educational requirements, and the need to think long term with a view to providing a more flexible system capable of being responsive to current and future changes. The Chief Executive and Registrar advised that

she had endeavoured to signal to participants that the GOC was aware of the need to undertake a review of education and qualifications in order to provide a system which was sufficiently flexible to meet future changes in technology, thereby avoiding the risk of replacing the current arrangements with one that could become fossilised in the face of challenges as yet unforeseen. She had emphasised that this was complex territory in which there could be no quick fixes. Full engagement with all stakeholders would be required: of necessity, the review would take time.

8380. Council **noted** that the Chair of Council had also attended *100% Optical* and had observed that the discussion on future challenges, the competency model and the need for those practising in the community to be taking a bigger share of the work in the context of significant patient demand and technological change, (mentioned in minute 8379 above) was particularly lively.
8381. Council **noted** the Executive's intention to undertake the scoping of a review in education and qualifications during 2016/17 subject to budget and resource availability. However Council **reiterated** their desire to undertake the full review as soon as possible as it was a complex project that was now both essential and urgent and would not admit of delay. The Executive advised that it would not be possible to commit to undertake the scoping work in the coming year unless the draft business plan for 2016/17 was further amended and other work postponed. Council **agreed** to return to this issue later in the meeting (minutes 8398 to 8401 refer).

STRATEGIC

Survey of contact lens wearers: research findings presentation – C04(16)

8382. Council **welcomed** Dr Michael Turner and Lauren Harris from BMG Research who were in attendance to present the findings of the contact lens research to Council. The research had been carried out as part of the work on illegal practice and identified the risks associated with contact lenses in relation to the GOC's primary role of protecting the public. .
8383. Council **noted**:
- the aims of the research, which were to:
 - understand consumer views about contact lenses as a healthcare product;
 - estimate the frequency of eye examinations and contact lens check-ups, including information provided at these appointments;
 - identify what type of contact lenses were last purchased and where (e.g. online or in-store) and the reasons ;
 - understand why consumers do not currently buy contact lenses online

- understand awareness of and compliance with contact lens aftercare advice;
 - understand consumer views towards the codes of practice and whether such a code would change behaviour;
 - identify how to target guidance for consumers effectively; and
 - Identify how often people wear ‘zero powered’ contact lenses and where they bought them from.
- the methodology, which involved:
 - a total of 2,043 UK adult contact lens users and purchasers, which was a nationally representative sample;
 - use of an online survey during October 2015; and
 - a number of questions included in the BMG Omnibus survey (conducted online on a monthly basis with 1,501 members of the general public) in order to understand what proportion of the general public had ever worn zero-powered contact lenses, where they have been bought from and whether they received any advice on how to wear them safely; and
 - the key conclusions of the research, which were that:
 - frequency of use was of relative importance – occasional wearers only occasionally thought about aftercare;
 - lifestyle was an important factor and that most results were influenced by life-stage and responsibilities, such as working hours, family etc;
 - advice was more likely to be received among those who primarily bought in-store but may reflect mode and consumer perception;
 - there was evidence that online consumers had a very different relationship with retailers; and
 - there was an emerging set of concerns related to fewer eye tests, fewer check-ups, lower awareness, lower adherence, and increase risk/problems.

8384. In considering the research, Council **noted** that:

- the profile of contact lens wearers tended to be female, younger, working full-time and were drawn predominantly from the higher socio-economic groups;
- almost twice as many contact lens wearers bought products online ‘all the time’ compared with the general British public online purchasing behaviours;
- 68 per cent of respondents had only bought contact lenses in store, eight per cent had only ever bought online, and 22 per cent had bought both in store and online;

- of those who had never purchased online, 44 per cent had no reason to change/were satisfied with buying in store. 11 per cent of those polled were planning to purchase online, but had not got round to it yet;
- purchase decision factors for those who bought in store included price, customer service and retailer reputation;
- purchase decision factors for those who bought online included price, product availability and convenience;
- contact lens wearers who primarily bought in store had eye tests more frequently than those who primarily bought online. A similar picture presented for contact lens check-ups;
- 59 per cent were provided with their contact lens specification at their most recent check-up. However, over a quarter did not have their contact lens specification;
- 64 per cent advised that the website where they purchased their contact lens did require their specification, of which 66 per cent used the information from their specification and 24 per cent relied on the information provided on their current contact lens packaging;
- 48 per cent of respondents who had received a contact lens check-up said that they were provided with aftercare advice;
- 54 per cent of contact lens wearers were aware of 80 per cent or more of the aftercare advice statement from the BCLA's 'dos and don'ts', however only 36 per cent were aware *and compliant with* 80 per cent or more of the advice;
- contact lens wearers who were shown the accreditation logo as part of the randomised control trial (23 per cent) would be very likely to purchase compared with those who were not shown the accreditation (19 per cent), with over half (55 per cent) saying that a logo would make them either much or a little more likely to buy contact lenses from a particular retailer;
- seven per cent of the general public had worn zero-powered contact lenses (ZPLs), with a higher proportion of wearers being drawn from amongst those aged 25-34 years;
- 41 per cent had bought ZPL's from their regular optician and 39 per cent from an internet supplier; and
- 80 per cent of those who had bought ZPLs had received advice on how to wear contact lenses safely, with those who bought them from their regular optician or an optical practice being significantly more likely to have received safety advice (95 per cent).

8385. In considering the conclusions and next steps, Council:

- **welcomed** the research and the Executive's intention to publish the report on the GOC website;
- **acknowledged** the lack of consumers' understanding of the difference between a 'sight test' and a 'contact lens check-up' as well as the

possibility of confusion between a spectacles prescription and a contact lens specification. It was **noted** that respondents had been given definitions of a sight test and a contact lens check-up, and were shown examples of a 'spectacles prescription' and a 'contact lens specification' when considering related questions;

- **agreed** that there was a need to improve awareness among registrants of their legal obligations in respect of the issue of contact lens specifications and of providing aftercare advice. Council **noted** that registrants' awareness could be raised through measures such as supportive material supplementary to the new *Standards of Practice for Optometrists and Dispensing Opticians* and/or through Continuing Education and Training (CET) modules;
- **noted** that the research highlighted that 48 per cent of respondents had stated they had been provided with aftercare advice at their most recent contact lens check-up. For those that ordered their contact lenses online, 45 per cent said that they had received information and instructions on how to wear and look after their contact lenses when they had taken delivery of their online order. Council **acknowledged** that there was a difference between receiving 'aftercare' in person (at a contact lens check-up) and 'aftercare advice' in written form received by post which was often surrounded by other forms of advertising and special offers not related to contact lens care and which had the potential to detract from the importance of the care advice;
- **acknowledged** that there was clear evidence that online sales were growing, and that the trend was set to continue;
- **welcomed** the findings of the randomised control trial which suggested that there was a demand for a GOC-accredited code of practice and that a logo would make consumers either much or a little more likely to purchase contact lenses online from a retailer accredited as compliant with such a code;
- **noted** the findings from the omnibus survey in relation to zero-powered contact lens (ZPLs) that there was evidence to suggest that ZPLs were being purchased through a range of suppliers, many of whom were not legally entitled to be supplying such products; and
- **welcomed** the intention of the Executive to undertake additional work across the optical sector in raising consumer awareness on ZPLs as well as working with the General Pharmaceutical Council (GPhC) as the findings reported that a sizeable proportion of respondents had purchased ZPLs in pharmacies.

Fitness to Practise (FTP) and Hearings indicative sanctions guidance: consultation – C05(16)

8386. Council **received** draft revised Fitness to Practise Panels Hearings Guidance and Indicative Sanctions (“the guidance”) and a consultation document. Council **noted** that the Fitness to Practice Committee (FTPC) had provided significant input into the new guidance at a workshop held in November 2015.
8387. Council **discussed** the revised guidance and **requested** that further thought be given to the following areas:
- the description of registrants and students;
 - clarification as to what was being implied in relation to heading 39 (dishonesty);
 - separating heading 40 (candour) into two separate sections: one to address self-reporting when the registrant themselves had done something wrong; the other to address reporting on others; and
 - reordering the list of sanctions and possibly removing the financial penalty.
8388. Council **thanked** the Executive for the revised draft guidance and **approved** both the draft and the consultation document to be issued for consultation. It was **noted** that the guidance would be brought back to Council for agreement in May 2016.

ASSURANCE

Continuing Education and Training (CET): end of 2013-15 cycle report – C06(16)

8389. Council **received** an update on the outcome of the 2013-15 CET cycle and a description of the process being followed for those registrants who had not met the requirements. Council **noted** that:
- the CET cycle had ended on 31 December 2015 with 98 per cent of registrants having met their CET requirements before the deadline;
 - since 1 January 2016, the Executive had been dealing with representations from registrants who were disputing the record of the CET that they had carried out and dealing with applications from registrants who claimed to have ‘exceptional circumstances’ that justified their non-compliance. Council **noted** that all registrants to whom this applied would be told the outcome of their application by the end of February 2016 so that they would have time to retain their registration if their representations had been accepted;
 - the policy on applying for ‘exceptional circumstances’ also took into account ongoing and longer term situations and allowed people to make an application at any point during the three-year CET cycle. Council **welcomed** the Executive’s intention to communicate this with registrants

more widely;

- that the Executive continued to attempt to communicate with registrants who had yet to engage with the GOC about their not having met their CET requirements;
- registrants who had not met their CET requirements would still be allowed to practice until automatic removal took place at the end of March; and
- **noted** the table displayed at paragraph 19 identifying reasons for non-compliance and **requested** it be shared with CET providers.

8390. Council also:

- **noted** the changes made for the 2016/18 CET cycle;
- **remained keen** to update its terminology from 'Continuing Education and Training (CET)' to the more commonly used and widely understood 'Continuing Professional Development (CPD)'; and
- **noted** that Scott Mackie had been appointed Council Champion for CET, which was **welcomed**.

8391. Council **discussed** how they might improve communications with employers in order to make them aware of which employees had either not met their CET requirements or had yet to engage with the GOC on this issue. Council **noted** that the GOC produced a monthly update of the GOC Register (which included additions and removals) which was circulated to NHS Commissioners and to those employers that had signed up to receive such information. Council **requested** that the Communications Team consider how this could be more helpfully disseminated in order to assist employers in checking whether their employees continued to be registered. In addition, Council **suggested** that this issue could be raised through the optical press around critical times for registrant retention such as in April, in September for students, and at key times for CET.

8392. Council **noted** that, at the November 2015 Council meeting, the Executive had reported that reflective statements would be required for all CET activities in the new CET cycle. After the meeting, feedback had been received from a range of stakeholders on the potential negative impact of such a change. Council **noted** that, having considered the feedback, the Chief Executive and Registrar, following consultation with the Chair of Council, decided that the requirement should not be applied mandatorily. This meant that registrants would only be obliged to complete reflective statements for peer review activities in the manner as required for the 2013-15 CET cycle, it being optional to complete such statements for other CET activities. Council **requested** that the question of requiring reflective statements for all CET activities should form a part of future work to evaluate the CET scheme so that the question of it becoming a mandatory requirement could be consulted on in advance of the next CET cycle.

Financial performance report: quarter three 2015/16 – C07(16)

8393. Council **received** a paper, which set out the quarter three (Q3) financial results for 2015/16. Council **noted** two corrections to the circulated paper: paragraph 11 which should have said “an estimated year end position of **£550k** surplus’ and at paragraph 26 which should have been headed ‘actual outturn’ instead of ‘forecast outturn’.
8394. The main headlines **noted** by Council were:
- a surplus of £2,597k compared to the budget of £1,972k surplus which is a positive variance of £625k – mostly due to where expenditure was less than budgeted;
 - Q3 forecast data as presented in annex one which showed an estimated year end position of £550k surplus which was £400k better than budget; and
 - income for the nine months ended 31 December 2015 totalling £7.5m compared to the budget of £7.6m which was a negative variance of £112k (just over one per cent).
8395. Council **considered** the report and:
- **noted** that some genuine cost savings had been made, especially in relation to legal costs which had been budgeted on the basis of the forecast made following the legal services tender in 2015;
 - **expressed concern** regarding the training costs underspend; and
 - **were encouraged** that general budgeting and financial awareness was improving and suggested that, for 2016/17, the Executive should consider changing the financial performance indicator for the percentage variance of expenditure from budget.

The meeting was adjourned at 12:45 for lunch and reconvened at 13:15.

Performance and management information report: quarter three 2015/16 – paper C08(16)

8396. Council **received** the performance and management report for quarter three of 2015/16.
8397. In discussion, Council:
- **noted** a slight improvement in Fitness to Practice (FTP) performance and that data was now being presented on an annual rolling basis to enable stronger trend analysis by reducing the impact of apparent fluctuations caused by low numbers of cases. The reported performance gave confidence in the emerging improving trend;
 - **welcomed** the reduction in FTP complaints and **noted** that the team had engaged positively with the KPMG review. Council **noted** that a number of

changes recommended by KPMG had been implemented including amendments to the risk assessment and triage forms. However, it was **noted** that it was not yet possible to establish whether the reduction in time taken to progress cases was directly linked to the changes that had been made;

- **noted** the stability in employee turnover at 23 per cent and **requested** clarification as to whether this figure included employees moving internally as well as those leaving the GOC altogether. Council was keen to understand the true quit rate net of those engaged on temporary/interim appointments or on very short contracts;
- **were pleased** that five out of eight performance targets (as reflected in the performance dashboard) were being met and that one further indicator was within three per cent of the target;
- **requested** inclusion of data on those undertaking 'mandatory training' such as information governance and equality and diversity; and
- **noted** that Mott Macdonald had been appointed to assist with ongoing work to manage the quality assurance function and framework in education. Council **welcomed** this appointment which they hoped would help to inform the wider education strategic review.

OPERATIONAL

2016/17 business plan – paper C09(16)

8398. Council **received** a further draft business plan for 2016/17 amended in the light of discussion at the November 2015 Council meeting.
8399. Council **discussed** the draft and:
- **agreed** that there was a need to strengthen organisational capacity and capability and welcomed the focus and investment in this area;
 - **noted** the actions proposed to help ensure that the plan was achievable and that the management development programme was designed to focus on those areas where there were capability challenges;
 - **noted** that there were still some areas of work to be incorporated into the plan, namely the internal audit programme, priority policies for review in 2016/17, and work generated by the annual PSA performance review;
 - **noted** that the plan did not currently allow for emerging work (such as the Government's legislative reform programme and the Council's wish to take forward as a matter of priority the strategic review of education and qualifications) as resources were fully utilised. Taking the view that such an approach did not reflect the urgency with which the GOC had to address the public protection aspects of current and future challenges confronting registrants coupled with the fact that any changes recommended by the strategic review would be likely to take a number of years to implement, Council **expressed concern** with the proposal to

scope the education and qualifications strategic review only if resources could be released for such a purpose during the course of the year;

- **noted** the view from the Executive that it was not possible to be absolutely certain that the plan was achievable and that, if Council wished to include new or different pieces of work, it would be necessary for the draft to be amended and some proposed activities either dropped or rescheduled to create the room necessary; and
- **welcomed** the focus on activities and outcomes and on a style of presentation that made crystal clear the distinction between programme (i.e. day-to-day operational) and project work.

8400. Council **noted** the projects contained within the draft plan and:

- **noted** that the relocation project was nearing completion :
- **agreed** that the strategic review of education and qualifications should be included and that resources should be committed to ensure that the project could be scoped and initiated within the course of the year;
- **agreed** that, so that Council could have a much clearer idea of the issues, risks and opportunities, along with details of proposed budget, resources and timelines, the project plan for the strategic review of education and qualifications should be underpinned by a comprehensive scoping exercise and that, if necessary, external resources should be used for scoping;
- **acknowledged** that the inclusion of such a major project would have implications on the 2016/17 budget, require the utilisation of reserves, and require additional resource or the use of interim consultancy support;
- **considered** that the risks to organisational capacity did not outweigh the benefits of undertaking the work. Benefits recognised included fully establishing the GOC as the driver in taking forward the education debate which Council considered would be helpful in the context of legislative reform, reinforcing the GOC's primary role of protecting the public, keeping pace with changes in optical care and technology, and embedding the GOC's new standards;
- **noted** the risks highlighted including both the need to delay other project and/or programme work and the fact that that the Education Team, which would have a leading role in a review of education and qualifications, was already challenged by recent changes with the team;
- **noted** and **requested** that the following projects remain in the 2016/17 business plan:
 - standards strategic review;
 - illegal practice: Council **noted** that this was the only project during 2016/17 which was rated high risk and that there was a need to conclude the work on developing and implementing the Code of Practice and putting in motion the consumer awareness campaign;

- quality assurance framework: Council **noted** that this work was critical to ensuring that the significant data breach during 2015 did not occur again and that it was necessary to provide assurance that GOC processes were effective and reviewed regularly; and
 - complaints strategy.
 - **noted** individual requests for certain other projects to remain in the business plan but acknowledged that the following projects may need to be removed, curtailed or postponed to make way for the education and qualifications review: customer relationship management (CRM) system (phase one), evaluation of the CET scheme, and review of the Register.
8401. Accordingly, Council **did not approve** the 2016/17 draft business plan as presented, but **agreed** to meet again, via teleconference, during the course of March 2016 to consider a further draft revised to take account of the points made during the discussion.

2016/17 budget – paper C10(16)

Draft 2016/17 budget

8402. Council **received** the final budget for 2016/17 which would deliver income of £8.4m, expenditure of £8.3m, a net contribution from reserves of £46k, a modest surplus of £150k and a £104k contribution to reserves.
8403. Council **noted** and **agreed** the assumptions which underpinned the formulation of the final budget which included:
- registrant fees as set by Council in November 2015;
 - the Professional Standards Authority (PSA) levy estimated at £90k or £3.50 per registrant in line with the consultation document published by the PSA in December 2015;
 - Member fees as proposed by the Remuneration Committee (RemCo) which added £51k to costs;
 - 150 hearing days to take place in 2016/17;
 - FTP caseload expected to be in line with current trends for the number of cases, interim orders and complex cases;
 - facilities costs in respect of the new office which had been estimated in line with the increased floor area;
 - staff turnover assumed to be 25 per cent; and
 - the Chief Executive and Registrar's contingency budget set at £150k including £100k for in-year resourcing needs.
8404. In relation to hearings Council **sought assurance** that 150 days of hearings would take place in 2016/17. The Executive advised that, at the end of Q3 2015/16, hearings were on track. Additional days in 2016/17 had been included in the event that these might be required in respect of those who had not met their CET requirements at the end of the 2015 cycle. Further,

Council **noted** that it was not yet clear what impact the work being carried out by KPMG could have on speeding up the complaint process which in turn could lead to more hearings and that the final report on this would be brought to Council in May 2016.

8405. Council **considered** and **agreed** the proposed expenditure for the strategic and special reserves as follows:
- strategic reserve: £102k for the Quality Assurance (QA) project which had been calculated in advance of tendering for consultancy services to support the project; and
 - special reserve: £69k for costs of new business cases agreed in 2015/16 where costs continued into 2016/17 and £60K costs associated with performance pay progression for 2015/16 which will be implemented in 2016/17.
8406. Council **agreed** the final budget as set out for 2016/17, but **acknowledged** that it would need to be revisited in March 2016 at the planned Council teleconference to be arranged to consider a further draft of the 2016/17 business plan.

Member fees from 1 April 2016 – C11(16)

8407. Council **received** a paper which presented information to support recommendations from the Remuneration Committee (RemCo) to enable Council to set the level of member fees with effect from 1 April 2016.
8408. All members of Council **declared an interest** in this item (as a user as a trustee) as it related to their own remuneration, but were permitted to remain in the meeting during the discussion and decision. In addition:
- Scott Mackie **declared a specific interest** in respect of his role as a CET Approver, and
 - Gareth Hadley **declared a specific interest** in respect of the particular proposals concerning the Chair's remuneration.
- It was **agreed** that Scott and Gareth would leave the meeting for the discussion of those specific matters. Council **noted** that, as Senior Council Member, Brian Coulter would chair the meeting in the Chair's absence.
8409. In relation to the highlighted risks, Council **questioned** whether there was any evidence to support risk A1.09 (risk of not being able to attract and retain members). The Executive advised that, although there was no direct evidence to date, the main concerns highlighted by members during consultation were that:
- fees were not reviewed on a regular basis (some had not been reviewed since 2004);
 - that the fees for some members were not consistent with those for others;

and

- that some members were not being adequately compensated for the time commitment required of them.

8410. On this basis, Council **welcomed** the progression towards a more transparent fee review process which included benchmarking where practicable, and the move towards triennial fee reviews with an annual general percentage fee increase.
8411. Council **considered** the benchmarking data provided at annex one and:
- **noted** that RemCo had sought to apply a pay framework for members on the same basis as had been applied to employees in 2014 (i.e. to set an anchor at a median point with a range of 15 per cent above and below the anchor);
 - **noted** that the employee framework was based on a benchmark provided by Hay Consulting for the public and not for profit sector and that a similar benchmark did not currently exist for members; and
 - **noted** that the benchmarking was limited to the organisations where fee information was available and that RemCo had requested the list of non-healthcare regulators to be reduced to a maximum of eight which would include the removal of any organisations who did not have comparable roles. Council **suggested** that for future reviews of Council Chair and member fees a broader review of benchmarking should be considered, taking into account publicly available NHS salary information.
8412. Taking into account the above discussion, Council **agreed** to use the benchmarking data to enable fee setting for members as of 1 April 2016.
8413. Education Visitor Panel
Council **noted** the feedback from the Education Visitors and their discontent with the revised remuneration system put in place from 1 April 2015 which saw the daily fee replaced with a £6,000 annual fee. Council **noted** that the main reason that the new system was not popular was that it was not resulting in a fair and equitable allocation of visits amongst visitors, which Council **noted** was evidenced by data available from the Education Team. As a result, Council **agreed** with RemCo's recommendation to revert back to a daily fee as of 1 April 2016 and to recompense any member that had been disadvantaged during 2015/16 by the annual fee.
8414. Continuing Education and Training (CET) Approvers
Due to his specific conflict of interest, Scott Mackie left the meeting for this discussion. Council **considered** the feedback from the survey of CET Approvers and **noted** that it had identified that approvers were not paid for applications which were referred to the CET Chair for consideration. In addition, Council **noted** that the role of the Chair of the CET Approvers had

changed substantially since 2014 and the fee paid was not currently in line with fees paid to other member chairs. Council **agreed** with RemCo's recommendation to:

- change the CET payment system as of 1 April 2016 so that Approvers received a payment for all applications considered ; and
- remunerate the Chair of the CET Approvers in line with the fees paid to other member chairs.

8415. Investigation Committee (IC)

Council **noted** that, since the introduction of case examiners:

- the work of the IC had significantly diminished;
- meetings were no longer taking place monthly but were arranged on an 'as needed' basis;
- required reading was substantially less (on average cases per meeting had reduced from 20 to two); and
- the majority of meetings were now being conducted via teleconference and were of a much shorter length.

8416. Council **noted** that RemCo had asked that the IC Chair and members be consulted about the proposed changes to their remuneration before Council made a decision. Council **recognised** that, given the timing of the IC meeting, there had not been an opportunity to meet committee members in advance of the Council paper being circulated. Council **noted** that the IC Chair, on behalf of the committee members, had requested Council to defer making a final decision until further thought had been given to the daily and the teleconference rates proposed, taking into account any possible impact of member retention. The IC Chair had further suggested:

- that her committee's members be consulted again following such further thought;
- that any changes then proposed should take effect from 1 January 2017; and
- that, to avoid the need to convene a special meeting of Council to resolve the matter, Council might delegate authority to RemCo to make a definitive decision.

8417. Council **acknowledged** the background information and feedback from the IC and **delegated authority** to RemCo to further consider the issue and to determine future remuneration arrangements for the IC. Council **requested** that, in considering the matter, RemCo should seek to ensure that the approach taken in respect of the IC was:

- consistent with that agreed for other members; and
- took into account the volume, detail and potential impact of IC reading when compared with that required of other committees.

Council **noted** that IC members were reappointed annually in December each year and that implementing remuneration changes from 1 January would enable members to consider whether they wished to accept reappointment on the revised rates.

8418. Chair of Council

Due to his specific conflict of interest, Gareth Hadley left the meeting for this discussion and Brian Coulter took over as Chair. Council **noted** RemCo's recommendation that the Council Chair's remuneration be increased by 42 per cent based on the fee framework and using current benchmarking data. Council **considered** the factors which RemCo had taken into account, including the significantly increased stakeholder engagement activity (particularly within the devolved nations) and the current and future time commitment and **agreed** to increase the Council Chair's remuneration as of 1 April 2016.

8419. Council **considered** and **agreed**:

- the framework for fee setting as set out in annex two;
- the resultant member fees for 2016/17 as set out in annex three;
- to continue to pay the Investigation Committee chair and members the same fees as agreed for 2015/16 until 31 December 2016 when a fee level, to be agreed by the Remuneration Committee, would come into effect;
- the approach to setting member fees for 2017/18 and 2018/19; and
- the member fees policy as set out at annex four for publication.

Raising concerns with the GOC (whistleblowing policy): consultation outcome – C12(16)

8420. Council **received** the outcome of the consultation on the draft policy on raising concerns with the GOC (whistleblowing) and the learning identified through desk-based research.

8421. In considering the paper and proposed policy, Council:

- **questioned** why the term 'whistleblowing' was included in the policy title, as it was felt might have adverse connotations. The Executive advised that the term 'whistleblowing' was still widely used, especially within the NHS. It had been included along with 'raising concerns' in order to aid clarity;
- **noted** that it was possible for the GOC to act as the person raising the concern in circumstances where the complainant wished to remain anonymous;
- **welcomed** the inclusion of references made to other organisations who could assist workers with further help and advice when raising concerns;
- **welcomed** the intention to communicate the policy and how the policy

- linked with the work on standards;
- **noted** the completed equality impact assessment;
- **noted** the consultation feedback and expressed concern at the naming of individuals within the Executive as part of the consultation responses, which Council felt was inappropriate. The Executive acknowledged this concern and advised that the names had been included as there was no agreed policy in relation to redacting employee names from consultation responses. The Executive intended to consider including guidance on this issue when the consultation framework and guidance was next reviewed; and
- **approved** the 'Raising Concerns with the GOC (whistleblowing) policy for publication.

Lay Council member appointment – C13(16)

8422. Council **considered** the role description and person specification for a new Council member (to replace Brian Coulter who would step down from Council as of 30 September 2016), following evaluation of the balance of skills, knowledge and experience on Council. Council:
- **considered** the mix of skills and experience required of Council members to meet the future needs of Council and **agreed** that there were no gaps/new requirements in the skills and experience required on Council to be taken into account in the recruitment of the new lay member;
 - **agreed** the role description and person specification (including the essential criteria for all Council members [existing and new] and the desirable criteria for the recruitment of the new Council member) as set out in the paper;
 - **noted** the completed equality impact assessment;
 - **noted** the plans for the selection campaign to recruit one lay Council member, including the provisional timetable; and
 - **delegated authority** to the Nominations Committee to agree the term of office the new member and appoint an additional selection panel member to ensure the Selection Panel could take account of specific Northern Ireland perspectives.

Equality Diversity and Inclusion (EDI) update – C14(16)

8423. Council **received** the annual update on progress against the Equality, Diversity and Inclusion (EDI) Scheme and:
- **noted** the progress made towards the EDI objectives and identified planned actions;
 - **noted** the agreed approach to publishing equality and diversity monitoring information; and
 - **approved** the 2015 EDI Monitoring report for publication.

Reappointment of the external auditors – C15(16)

8424. Council **received** and **approved** the recommendation of the Audit and Risk Committee (ARC) to reappoint haysmacintyre as the GOC external auditors for a further twelve months.

Council forward plan – paper C16(16)

8425. Council **noted** the forward plan of activity for the Council for 2016/17.

Any other business

8426. There being no other business, the meeting closed at 15:05pm.

Date and time of next meeting

8427. The next public meeting of Council would be held on **Wednesday 11 May 2016** at 10 Old Bailey, London, EC4M 7NG. The time of the meeting was to be confirmed.