

**GENERAL OPTICAL COUNCIL****Minutes of the 230th public meeting of Council held on  
Wednesday 13 February 2019 at 10:00 at 10 Old Bailey, London, EC4M 7NG**

**Present:** Gareth Hadley (Chair), Sinead Burns, Josie Forte, Mike Galvin, Rosie Glazebrook, Scott Mackie, Clare Minchington, David Parkins, Helen Tilley, Glenn Tomison and Selina Ullah.

**GOC attendees:** Lesley Longstone, Alistair Bridge, Marcus Dye (paragraphs 8828 to 8831), Nicola Ebdon, Simon Grier, Lisa Harmshaw (minutes), Natalie Michaux (paragraphs 8828 to 8831), Subo Shanmuganathan, Dionne Spence, Keith Watts (paragraphs 8832 to 8838) and Mark Webster.

**Welcome**

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8818. The Chair **welcomed** members, employees and those in the public gallery to the 230th public meeting of Council. A particular welcome was **extended** to Dionne Spence (Director of Casework and Resolutions) who was attending her first Council meeting.
8819. Those intending to apply for the Lay Council member role were **reminded** that, as per the candidate information pack, opportunities to speak to members of Council and the Senior Management Team about the role were not being provided to ensure fairness to all applicants and that any questions should be directed to the Governance team.

**Apologies**

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8820. Apologies were **received** from Roshni Samra.

**Declaration of members' interests**

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8821. The following declarations were **noted**:
- Item six (business standards): Josie Forte, Helen Tilley and Glenn Tomison **declared** an interest in this item as they are directors/ shareholders of or connected to a body corporate registered with the GOC and were likely to be directly affected in their non-GOC roles by the outcome of this work; and
  - Item nine (2019/2020 business plan and budget): all members of Council **declared** their interest as a 'user as a trustee' as this paper included recommendations in relation to their own remuneration.
8822. Council **agreed** that none of these declarations represented a significant conflict and that all members could continue to participate in the discussion and make decisions as required.

## **Minutes of the meeting held on 14 November 2018**

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8823. Council **approved** the minutes of the meeting held on 14 November 2018 as an accurate record of the meeting.

### **Updated actions – C01(19)**

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8824. Council **noted** the actions. In relation to action 15(18) 'Love Your Lenses' Council **noted** an evaluation of this project would be presented to Council in May 2019 and **reiterated** a call to the optical professional and trade associations for them to take forward this work which had a direct bearing on public and patient safety in the longer term.

### **Matters Arising**

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8825. There were no matters arising.

### **Interim Chief Executive and Registrar's report – C02(19)**

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8826. Council:
- **congratulated** those registrants who had completed the required continuous education and training (CET) by the 31 December 2018 deadline and **noted** the intention to seek permission from those registrants who had a particularly good CET completion record over the three-year cycle to celebrate publicly;
  - **extended thanks** to the CET team for supporting registrants over the Christmas and New Year period and **noted** that the focus had now shifted to consideration of registration implications for those who had not met their requirements as well as disputes and consideration of exceptional circumstance requests;
  - **welcomed** the positive audit on the quality of FTP decision-making;
  - **noted** the Professional Standards Authority's (PSA) targeted review of GOC performance would be undertaken shortly and that it would focus on five standards of performance, two fewer than last year;
  - in relation to the 'efficiency programme' **questioned** how committee member expertise would be drawn upon to inform areas for review and **noted** the intention to utilise member expertise in relation to strategic projects where possible and that a full list of the operational and efficiency changes being planned would be presented to Council in May 2019;
  - **discussed** the NHS Long Term Plan and **expressed disappointment** that the role played by optometrists and dispensing opticians was relatively small or non-existent particularly in relation to prevention and early intervention and:
    - **agreed** that there was a need for the optical sector to continue to highlight this with the NHS and Commissioners, but this was not a role for the regulator. Council **agreed** that the professional bodies and trade association needed to do more to highlight that the optical

sector was ready, willing and able to pick up and undertake the more recently developed and far wider roles than those that registrant optometrists and dispensing opticians had traditionally been associated with in the past and urged them to raise this at a political level; and

- **noted** an update from David Parkins who had been actively working with NHS England to align eye health and sight loss with the Plan and that there were significant alignments particularly in relation to the shift from hospitals and into community care;
- **welcomed** the intention to work with the Optical Confederation to bring the sector together and discuss what the workforce might look like in 10 years' time with the aim of agreeing principles upon which the future of eye care services will be shaped, including what part the various optical professionals will play at each stage of the eye care pathway and that this can then be used to inform the development of the curriculum for education and training;
- **welcomed** the approach made to the Department of Health (DoH) about the feasibility of increasing the number of Hearing Panel members, **noted** the response had been positive and draft legislation was under consideration, however there were no definitive timeframes for concluding this at present; and
- **agreed** the external auditors' (haysmacintyre) fee for the 2018/19 audit of £15,000 plus VAT.

#### **Chair's report – 03(19)**

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8827. Council:

- **noted** an oral update on the meeting held with ABDO on 7 February 2019 which involved a robust exchange of views with a primary focus on the Education Strategic Review;
- **encouraged** all the professional bodies to focus on the challenges that change would bring for current and prospective registrants;
- **noted** a number of senior management changes at FODO including the appointment of Harjit Sandhu as the first Managing Director, that David Hewlett (former CEO) would take up the post of Director for Leadership, Transformation and Strategic Partnerships and Ann Blackmore (Director of Policy and Strategy) was leaving to pursue alternative opportunities;
- **noted** that various meetings held with the PSA had been both constructive and positive; and
- **extended congratulations** to Alistair Bridge, GOC Director of Strategy on his appointment as a trustee at Vision UK.

#### **Standards for optical businesses – C04(19)**

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8828. Council **received** the revised standards for optical businesses which had been amended following consideration of stakeholder feedback. Council

**agreed** this was a significant piece of work, **extended thanks** to all those who had participated in the consultation and additionally **noted**:

- that the consultation had raised the issue of those businesses who were not required to or were unable to register. Council:
  - **welcomed** the intention to mitigate this risk via the project communications plan;
  - **welcomed** the intention to pursue with the Department of Health and Social Care legislative reform to require all businesses carrying out restricted functions to register; and
  - **requested** further information on the geographical location of businesses who were registered and what implications this might have for public protection;
- the intention to produce supporting guidance where appropriate (a suggestion included CRB checks), but **urged caution** that this did not unwittingly produce additional standards; and
- **noted** that the impact assessment had considered the impact on the fitness to practice (FTP) process, which was considered low but would be monitored and that additional training for the Hearings Panel and Case Examiners had been planned.

8829. Council **noted** the main amendments and clarifications and **requested** the following further amendments be made:

- additional clarification on 'supervision' (particularly in relation to how this fitted with the Education Strategic Review) and how 'support' was defined to ensure it was flexible and forward looking. Council **suggested** this might be an area where supplementary guidance would be useful;
- further clarification in relation to how the standards applied to locums;
- inclusion of 'professionalism' at Standard 1.3;
- inclusion of reference to the Ombudsman at Standard 2.1.4; and
- further information on when confidentiality could be broken if public protection was outweighed at Standard 2.4.

8830. Council **discussed** the intended communications plan and:

- **questioned** whether the GOC should be more proactive in promoting the display of its logo to assist in showing the value of registration / complying with the standards. Council **acknowledged** that it should not over-enforce the registration message, which could potentially disadvantage those who did not (or could not) register with the GOC, either through choice or due to the legislation but **welcomed** the intention to promote the benefits of registration;
- **welcomed** the intention to publish a short animated video on the new standards and **suggested** consideration also be given to holding a roadshow;
- **requested** more information about how the GOC would communicate with individual registrants specifically. Council were **mindful** that there

would not be a direct business impact on all individual registrants, but that it was key for individual registrants to understand the standards;

- **questioned** whether implementation in October 2019 was realistic for businesses and whether Brexit would have an impact. Council **received assurance** from the Executive that businesses were aware of the planned implementation date as a result of the consultation but were open to consider any concerns or comments businesses might have in relation to operational implementation difficulties. Additionally, the consultation feedback highlighted that registrants had expected the standards and indicated there was little in addition they needed to do operationally to comply.

8831. Council subsequently:

- **approved** the revised Standards for Optical Businesses and the communications plan, subject to addressing Council's views; and
- **delegated authority** to the Chair and Chief Executive and Registrar to approve the final versions of the Standards for Optical Businesses and the communications plan for publication.

#### **Quarter three 2018/19 performance report – C05(19)**

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8832. Council **considered** the quarter three performance report and **noted**:

- the level of assurance provided by risk mitigation was now more apparent;
- the revised glidepath presentation and **acknowledged** this was an indicator of current performance rather than a projection of future performance;
- financial performance had been included;
- at the end of the Continuing Education and Training (CET) cycle, less than two per cent of the register had been removed; and
- the annual monitoring of educational establishments had achieved a 100 per cent response rate.

8833. In relation to the registration performance update, Council:

- **expressed concern** that the accuracy level of new entries onto the register was decreasing and **reiterated** that speed should not be prioritised over accuracy; and
- **noted** the intention of the Executive to evaluate the seasonal impact on the marginal decrease in accuracy on the Register.

8834. In relation to the Human Resources (HR) performance update and staff turnover, Council **noted** the themes emerging from exit interviews had not been provided to Council as the numbers were too small and could lead to individuals being identified. Council **requested** the Senior Management Team reconsider how this information might be shared with Council appropriately.

8835. In relation to the FTP performance update, Council:
- **noted** the steady increase in open cases over the last 18 months;
  - **noted** that cases were progressing as predicted, additional resourcing was now in place, the age of cases at triage stage had reduced and this was expected to reduce further (as well as the age of cases at investigation stage) by the end of quarter one 2019/20;
  - **noted** there was expected to be an increase in the number of cases provided to Case Examiners in quarter four 2018/19 (around 100, whereas an average quarter would normally be 55-60);
  - **questioned** whether the introduction of Acceptance Criteria in November 2018 had resulted in a positive impact on performance and **noted**:
    - seven cases had been closed which would otherwise have been investigated;
    - whilst this number was low, a cautionary approach had been taken in applying the criteria to avoid any perception that it might be used to stop legitimate cases coming through;
    - an internal review of its use would be undertaken in quarter four 2018/19 and any cases closed would be evaluated as part of the external audit of FTP decision-making due later in 2019; and
    - that whilst the speed of closing cases was important this should not be at the expense of quality decision-making (a view supported by the PSA).
8836. In relation to FTP forward planning, Council:
- **noted** the intention to advise registrants of learning from cases, but **acknowledged** that due to the length of time it took to close cases, such learning might not be relevant once it could be shared;
  - **agreed** there was a need to get feedback out to registrants more quickly, particularly where there were recurring themes or issues;
  - **agreed** that there was also a role for the defence bodies to input into and share such learning from FTP complaints;
  - **noted** that the research commissioned into learning from risk, which encompassed an analysis of FTP cases and issues of competence would assist in being able to develop case studies and that this research would be presented to Council; and
  - **noted** the intention to go back through all FTP cases to categorise themes.
8837. In relation to applications for non-EEA registration, Council **received assurance** from the Executive that all applications are being responded to within the published timeframes.

8838. In relation to the Information Governance performance update, Council:
- **welcomed** the reporting of near misses, which was considered good practice;
  - **questioned** whether there were emerging themes such as key times for breaches and **requested** such information be made available to Council as part of future reports; and
  - **noted** the implementation of the Egress threat detection solution which would assist with reducing breaches resulting via use of email.

#### **Financial performance report – C06(19)**

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8839. Council **considered** the financial performance for the nine months to 31 December 2018 and forecast for the year to 31 March 2019 and **noted** that a detailed review of these reports now took place at the Audit, Finance and Risk (ARC) committee following an amendment to their terms of reference. Council:
- **acknowledged** the change of ARC's role and that the committee was working to understand drivers and challenges to costs;
  - **noted** the current and forecasted deficit was significantly lower than the approved budget and **received assurance** from the Executive that the GOC was not in 'financial crisis';
  - **welcomed** the reduction on expenditure for consultancy and research and that more use was being made of internal expertise;
  - **noted** the efficiency programme would be discussed by both ARC and Council in May 2019;
  - **noted** that the draw on reserves had been far lower than previously forecast;
  - **acknowledged** that portfolio performance had decreased as a result of a challenging market but had since bounced back. Council were **mindful** of the potential impact that Brexit might have on future performance;
  - **noted** the risks to achieving the forecast and that expenditure plans for quarter four appeared ambitious. Council **agreed** that forecasting continued to be over-optimistic and **welcomed** the intention to continue assisting budget holders in developing their forecasting skills;
  - **welcomed** the £50k of cost-savings identified to date, **suggested** that efficiency successes be celebrated and **welcomed** the intention to reinvest any savings into strategic projects and thereby avoid the use of reserves;
  - **welcomed** the potential sharing of GOC facilities with other regulators (and vice-versa) which Council **agreed** provided better value for money; and
  - **agreed** that Council needed to consider how they could make cost savings and **welcomed** the intention of ARC to consider this prior to making proposals to Council.

## Draft budget and business plan 2019/20 – C07(19)

8840. Council **received** the draft 2019/20 business plan and budget which had been developed in tandem and **noted**:
- that work to develop the next GOC strategic plan for 2020-23 would begin shortly which would also include the development of strategic performance measures;
  - ARC had considered both the plan and budget and were content;
  - headcount appeared to be increasing and ARC had requested more information on what the 'approved posts' were to enable understanding of where and why there were vacancies;
  - a more detailed operational business plan (which would not be published) would be used to track progress during the year; and
  - member fees had been benchmarked and considered by the Remuneration committee.
8841. Council:
- **noted** the financial analysis supporting the budget including the impact on reserves and budget assumptions;
  - **approved** the 2019/20 draft budget, with no changes and **delegated authority** to the Chief Executive and Registrar to finalise the budget for publication;
  - **noted** the cashflow projections;
  - **approved** the proposal that member fees should remain at current levels and not be increased with effect from 1 April 2019;
  - **agreed** to introduce a new fee for teleconferences of two hours or under at 50 per cent of the normal fee, as recommended by the Remuneration committee; and
  - **approved** the 2019-20 external business plan and **delegated authority** to the Chair and Chief Executive and Registrar to finalise the plan for publication.

## Equality, Diversity and Inclusion monitoring report 2017/18 – C08(19)

8842. Council **considered** the EDI monitoring report and an update on progress made towards achieving the GOC's EDI objectives. Council:
- **noted** the intention to develop the next EDI strategy alongside the new strategic plan;
  - **welcomed** the robust report on all protected characteristics, where data was available and **acknowledged** the intention to source data on all protected characteristics for employees prior to the next report;
  - **noted** the various trends particularly in relation to disability, maternity/pregnancy, age and the disproportionate number of black and minority ethnic males referred to FTP and **welcomed** the intention to further understand this data via links with inter-regulatory forums;

- **agreed** that data for students should be included and welcomed that this data would be included in the next report;
- **questioned** whether GOC impact assessments were being completed as required and whether they were of the required quality, provided sufficient assurance and used (including data analysis) to inform policy development and business planning; and
- **requested** analysis of data and impact be sufficiently evidenced in Council papers; and
- **requested** ARC consider whether impact assessment would be a helpful area for internal audit in 2019/20.

8843. In relation to future reports and areas for consideration in developing the 2020-23 EDI Strategy, Council **requested**:

- clearer analysis to identify where data demonstrates an impact arising from an action taken, for example where training has led to a reduction in complaints;
- ethnicity and religion breakdown to be more closely aligned to a relevant geographical location, rather than the UK, to enable better comparisons;
- consider linking student EDI annual monitoring with the Education annual monitoring returns;
- using multiple regression analysis to compare multiple protected characteristics at the same time and compare results with other regulators;
- for data relating to registrants referred to FTP:
  - the location profile to be compared per 100,000 of the population, rather than per country, which Council agreed might have a bearing on workforce planning and could be used as a tool to inform this;
  - be analysed in relation to other types of registrant – independent prescribers and contact lens opticians to identify if there are any different trends in referral rates;
  - be analysed by mode of practice – such as locums/domiciliary and qualification to help identify whether these have an impact on likelihood of being referred;
  - build in learning from the EDI analysis to undergraduate and CET learning in order that registrants understand possible impacts;
  - explore whether there is external bias in relation to complaints being made by reviewing research undertaken by other organisations, whether other external factors affect the likelihood of being referred and/or whether there is internal bias in our processes/decisions;
- for data relating to staff – compare EDI profile with the results from the staff survey;
- an up to date e-learning module for EDI for 2019 be launched (applicable for employees and members) as a well as consideration for more in-depth training for those who manage and/or supervise; and

- comparison with the Optical Consumer Complaints Service (OCCS) diversity monitoring data.

#### **Forward Plan – C09(19)**

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8844. Council **noted** the plan and;
- a substantive discussion on the efficiency programme that would be presented to Council in May 2019, along with updates in future Chief Executive and Registrar reports;
  - the IT strategy would be presented to Council in July; and
  - the outcome from the risk research would be presented to Council in November 2019.

#### **Any other business**

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8845. Council **noted** that Vicky McDermott had decided not to return to the GOC following her maternity leave. Council **extended thanks** for her contributions to Council and wished her and her family well for the future.
8846. The meeting closed at 13:15.

#### **Date and time of next meeting**

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8847. The next public meeting of Council would be held on **Wednesday 15 May 2019** at 10 Old Bailey, London, EC4M 7NG (time to be confirmed).