

COUNCIL

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Report from the Chief Executive and Registrar – May 2011

1. Introduction

Since this is my first report as Chief Executive and Registrar, I would like to take the opportunity to thank Council for giving me the opportunity to join an organisation with such an important role in public life. Sight is a precious gift, and I look forward to playing my part here in protecting it.

The purpose of this paper is to brief Council on my current focus and activities. In future, I will use it to bring significant external developments or emerging strategic issues to your attention. I will highlight important aspects from the strategic or business plan, and in particular brief you on anything material affecting our performance. Where necessary, I will include standing updates on any current issues of particular concern to Council. Additionally, I will ensure that you receive (on a quarterly basis) a financial report and a fuller performance report.

I would appreciate any feedback you have on the content of this report or any guidance on what would be helpful in future reports. Being my first report it is a little longer than it would normally be, and I apologise for that.

2. Stakeholder engagement

We now have a comprehensive round of meetings booked with stakeholders to put our engagement with them on a more strategic footing.

The Chair and I have been meeting jointly with our counterparts to identify their current issues and discuss how we might improve dialogue. Critically we have met with the Council for Healthcare Regulatory Excellence (CHRE), and (by the time of this meeting) the Department of Health (DoH). We have already met many of the professional or optical bodies. We have begun to meet other healthcare regulators and patient groups. We also plan to meet educational institutions amongst others.

A full list of meetings to date is attached (Annex 1). Kelly Parker has been doing an excellent job in getting these sorted given the tricky diaries of all involved.

It is not possible to cover the ground from all these meetings in this first report; however, there is clearly an appetite for dialogue and a willingness to work with the Council. Pertinently, it appears that professional bodies see the valuable but different roles we have to play as regulator and professional representative.

Perhaps the largest issue emerging from these meetings is that none of us yet know how the significant changes taking place in health care commissioning – in service delivery (enhanced eye care services and new pathways), and in specialist registration (e.g. growth of independent prescribing) – could, when combined, impact on the scope of practice in the coming years. This is a critical issue which we need to monitor and act on in due course.

3. Healthcare professional regulation

On 16 February 2011, the Government published its Command Paper– *Enabling Excellence: Autonomy and accountability for Health Care Workers, Social Workers, and Social Care Workers*. As you know, the paper expresses the Government's expectation that regulators achieve greater cost-efficiency and effectiveness. Consequently, the CHRE was tasked 'to lead a sector wide review of the cost-efficiency and effectiveness of each regulator.....with a view to identifying significant costs savings' as 'an alternative to further structural change'.

The review is intended to take place by the end of the year, though we understand that there may be an interim report in July. However, we are still waiting for this process to start. We will need to respond very swiftly when it does. The regulators were invited by the DoH to comment on the terms of reference for the CHRE review, and we argued for a clearer focus for the work.

In the meantime, we remain focused on our cost effectiveness regardless. As an organisation, we have already looked internally for appropriate efficiencies. The 'spend to save' project list we have developed which all staff worked really hard to identify should assist us in continuing to make savings (see finance).

We may also reduce costs where we are looking to roll back unnecessary legislative requirements; however such changes would require careful thought so that public safety is not compromised, and will of course come to Council. In this respect, cost savings would be the by-product rather than the point of any changes.

Importantly, there is the opportunity to collaborate with other regulators; something the Government is extremely keen to see. With this in mind we have been talking to other regulators to judge the level of interest and compiling a list of possible prospects. At present we are exploring this to ascertain the potential.

There are some very simple ideas emerging (ie a joint procurement group across high street regulators, joint panellist training, etc.) which could generate savings swiftly, as well as some more complex opportunities (co-location of premises or hearing facilities), which would take time to explore.

However, Council will need to take a view on the scope and parameters of collaboration before we can proceed with anything material. Hence I anticipate coming back to you shortly on this.

4. Law Commission review

In *Enabling Excellence*, the Government set out its intention for the Law Commission 'to undertake a simplification review of the existing legislative framework.' They plan to complete the review by 2014 and introduce legislation towards the end of the current Parliament. The Commission has held initial meetings with all the regulators.

It is our understanding that they intend to go back to the DoH for a clearer scope. Initially, we have said that we (and other regulators) would benefit from greater flexibility in the legislation. However, Council will need to take a decided stance towards the review within the next three to six months. In the meantime, we have been asked to nominate someone who can act useful source of advice to the Commission. We are suggesting Fiona and Morag (whom I hope I will have had a chance to approach before they see this report).

5. CHRE 2011 reviews

In late March, CHRE published its second audit of regulators' initial fitness to practise decisions, in which it audited all 75 cases that the GOC closed in the initial stages of the fitness to practise process (ie without referral to the FTP Committee) between February and July 2010.

The draft report was received in December 2010, to which we made a number of points of clarification. CHRE's final report concluded that the GOC has good initial stages risk assessment and investigation systems, leading to safe and well-reasoned decisions, and excellent communication.

Opportunities for improvement in case management and coordination were identified. CHRE intends to change its process for these audits in the future based on an assessment of risk, with the next GOC audit likely to be in 2012 or 2013.

CHRE has also recently completed its annual Performance Review, and is currently finalising its report for approval by its Council. Beginning October 2010, we have worked to provide CHRE with a substantial amount of information and comment regarding our work. In April we were provided with a draft of the section of the report relating to the GOC, and in response provided CHRE with some additional information and comment.

We understand that CHRE considers our work to be efficient and effective, and anticipate that the GOC will receive a positive review for 2010/11 from CHRE, having shown improvement in several areas. CHRE intends to table the final Performance Review report before Parliament, together with its annual report and accounts, on 29 June 2011.

6. Development of the organisation

We continue to make progress on bedding down the restructure of the organisation. As part of this we created a Chief Executive's Office bringing together strategy, policy, governance, and communications. Grahame Tinsley has now been appointed as head of this office. I feel that the organisation is not yet clear about the role of this team.

In my mind, we need to be able to identify, understand and act on the issues facing us as an optical regulator. To respond well we need effective horizon scanning and robust, evidenced strategies and policies. As part of that we need to engage and communicate effectively with stakeholders both inside and outside the organisation. Moreover our Council and Committees must be well placed and supported to grapple with all this.

The Chief Executive's office is there to ensure we achieve this in a coordinated, joined up and intelligent way. To help ensure their role is widely understood we will be producing a short brief for wider circulation; however I would like feedback on the how well you think the team is doing.

More broadly, I am conscious that we have been through a period of sustained and considerable change. Through my induction I have been looking at the impact of this, and taking stock of where we are. Change brings consequences and a chance to reflect and consolidate on what would be beneficial. I plan to come back to Council when I complete this assessment. In the meantime I am striving to improve internal communications, and staff engagement, as these are two areas I have identified where I feel we could do much better.

With that in mind, I plan to fully share my learning from this exercise with the staff here to ensure that I have understood our current position fully.

7. Support for Council

As already mentioned a well-supported Council is essential for the GOC. So I have been thinking about how we can make sure you have the necessary support to work effectively.

With that in mind:

- I am re-introducing a forward planning schedule for Council meetings.
- I intend to have a more staged development of the papers with input from the senior management team as a whole and relevant staff (to ensure that by the time you read papers they are considered and well-informed).
- I am thinking about how we ensure both staff and Council receive good induction and on-going briefings.

In future the Chief Executive's Office will be on hand to help us with this. I would be very keen to receive any thoughts and suggestions you have on these ideas or other things we could do.

We are about to start the process of recruiting a new lay member. You should receive the pack shortly, and we are keen to have it promoted as widely as possible. Please don't forget that we now have an office set aside within the GOC for Council members to use when in London, and we are all very keen to see you.

8. Business plan and strategic plan

The strategic plan was agreed at the March 2011 Council, and is now with the Privy Council. Once it has been laid before Parliament we will want to launch it as widely as possible, and we are looking at ways to do this. An early draft of the business plan was circulated at the same time.

Since then, we have been developing the business plan content and structure further to ensure it flows from our overarching aims, and has a clear link to the strategic plan, with core activities and key projects well defined. I would like to thank Fiona, Peter and Nick on Council for testing the draft framework and helping us establish the new structure.

As a key part of the process, the plan was circulated to staff for comment and input. This is a new way of working, but their input was invaluable. Although each department has had the opportunity to ensure the core activity clearly reflects the work of their departments and teams, we did not have as much time to do this as was ideal, so we will aim to improve the plan over the course of the year if we feel anything has been missed because of that.

All the teams have helped us turn this around in a very short space of time, and I would especially like to thank Phil, Linda, Grahame, and Kisha for their efforts. In future, we will be giving everyone more time than was possible on this first outing.

Our next steps are to ensure that the performance reporting against the core activity and key projects is appropriate and achievable and the process is clearly documented to give substance to the work. The plan will also need to be signed off by Council and then communicated to all staff and stakeholders.

In future years, we hope to start earlier, with better engagement from staff and a draft in place before the end of the year. We will build in tighter outcome-focused targets (something the CHRE expects). Moreover, in line with our over overall aspiration to have good stakeholder engagement we will seek to test and refine these outcomes as we take the plan forward.

9. Recent developments and achievements

Since we do not yet have the new performance reporting system in place, I have attached a fuller outline of the work of the various teams in Annex 2.

As this is the first report the departmental updates provide generic information on recent activity and basic performance information. Future reports will contain full performance information against all core activity and projects. However, there are a few items I would like to pull out of this:

We should welcome Ayesha Benson to the Fitness to Practice team, as the new senior solicitor to assist in the pursuit of criminal prosecutions. The consultation on the new Fitness to Practice rules received a healthy response. The responses are being considered and will be reviewed with our external Solicitors. Council will receive a report shortly.

The team has faced some real challenges in recent weeks, and I would specially like to commend Kisha and Lisa Sparkes in the Education team for handling them with such aplomb.

Online registration went extremely well and received positive feedback from registrants and the professional bodies with 95% of registrants completing their retention online. I believe the registration team and specifically Laura Hytti (Registration and Operations Manager) should be recognised for all their work on the development, and delivery of online retention system. Such smooth introductions of new technology are rare.

Enda Heslin has moved from his role as Registration Officer to Investigations Caseworker in the Fitness to Practise team and Terence Yates has taken the role of Registration Officer.

The Education team has had meetings with the Department of Health and Vantage to develop the CET scheme. The review of the dispensing handbook is ongoing and the team has also recently undertaken visits to Bradford and Plymouth Universities. Linda joined the Communications team at Optrafair to represent the GOC.

The Chief Executive's Office has kept working, getting themselves established despite the confusion and uncertainty which comes naturally from any restructure. Not an easy task.

The finance team has been working extremely hard to modernise our financial systems and procedures, so we can better predict and control spending in the coming years. Special thanks must go to Jeff and Irina for this.

The IT team undertook a rehearsal of our disaster recovery plan on 9 May and have also started a major overhaul of our electronic filing system, which will lead to much improved document and information management.

The HR team are in the process of completing the pay and grading review and also renewing the staff handbook. Peninsula, our HR and health and safety consultants, have now provided us with an online management system for recording and monitoring health and safety.

10. Registrable degrees

Council members are aware that the matter of registerable degrees has been a source of concern to professional and educational bodies in dispensing. This is why Council reviewed the progress of the education committee on the new foundation degree at Anglia Ruskin University earlier this year.

Since Council was satisfied with the arrangements we have sought to ensure that all the interested parties understand this and tried to ensure that there is greater clarity for all on what is proposed and why it is entirely consistent with our rules. We will continue to work closely with all interested parties to ensure a smooth transition to the new arrangements when appropriate.

11. Finance

The audit of the 2010/2011 accounts is proceeding relatively smoothly and should be completed in June. Accounts will then go to the Audit Committee for scrutiny and the next available Council meeting for adoption. We will achieve a significant underspend for the year and you will receive a verbal update on the figures behind this as well as our plans for any necessary allocation to the reserves. It is fortunate that we have such capacity at this time.

We have a challenging programme of modernisation projects in prospect within our strategic 'spend to save' reserve and we need to make greater provision than in the past for unforeseen legal costs as we embark on an expansion of our pursuit of criminal practice in the sector.

It is essential that we manage our funds well as a public body, and spend the money we receive from registrants wisely. With that in view, we have been improving our financial systems and procedures across the board. We will have a new style set of year end accounts more in keeping with industry standards.

We will have better formatted management accounts, and improved budgeting and profiling of our spending, and we will have devolved responsibility to budget holders for managing that. Our budget has been redesigned to give a more meaningful picture of our spending and we have worked closely with Heads of Departments to profile their spending plans for 2011/2012 and create a better picture of our progress as the year unfolds.

We will table the new format for our budget at the Council meeting although it is too early in the year for the figures to have much real meaning in terms of our financial direction of travel.

Enabling Excellence also announced the Government's plans to move the cost of funding the CHRE from the Government to the regulators. In April, the CHRE consulted us on three possible models for doing this (based on registrant numbers, on regulator income or on a combination). We argued that the combination provided a fairer basis from which to develop the levy, though the impact on us is not currently material whatever the model (it is likely to be in the region of £50,000). However there is a broader and longer term issue ensuring the system remains sustainable with the cost well-contained and justifiable.

12. Other legislative changes and policy developments

In February 2011, the Home Office reported the outcome of its review of the **vetting and barring scheme**. It concluded that there remains a role for the scheme, albeit in a more streamlined format. By 2013, the Independent Safeguarding Authority (ISA) will merge with the Criminal Records Bureau to provide a combined disclosure service. The scheme's scope and activities are being reduced significantly. The duty on professional bodies to refer information to ISA has become a power to refer. We continue to have concerns about the lack of clarity about the referral provisions in the legislation. We are now working with other healthcare regulators and the General Social Care Council to prepare a letter outlining our concerns.

As Council members will know, there has been a marked change in the approach to **revalidation**. In *Enabling Excellence* non-medical regulators were asked 'to continue to develop the evidence base that will inform their proposals for revalidation over the next year.' Moreover, the Government plans to agree next steps with a broader stakeholder group than simply regulators.

We anticipate receiving an update shortly from the CHRE setting out their thinking on this, and will need to respond when that comes. We plan to roll out our own enhanced Continued Education and Training Scheme (CET) rather than wait for revalidation resolve itself.

13. Thank you

Lastly I would like to add some thank-yous. I would like to thank Anna, Jeff and David for giving me so much initial support to help me understand our position in the wider optical work and regulations industry. Matt is to be particularly thanked for his work in supporting me to get to grips so quickly with key stakeholder organisations. Their patience in handling my endless questions has been invaluable.

Staff here must be thanked for the tremendous amount of support I have received from them since joining the GOC. I can see that people here are passionate about the work they do. I have been enormously impressed by the breadth of skills and qualifications they possess. I have met one-to-one with everyone on the team, and that has been very helpful in identifying those areas where they feel we need to improve as an organisation and in how we work together. I greatly appreciate their commitment and frankness for it has given me a much more informed picture of the challenges we face in the coming months.

Further information:

If you would like further information about this paper please contact:

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ANNEX 1 – STAKEHOLDER MEETINGS

Meetings which have taken place:

ABDO Chief Executive Sir Anthony Garrett and Chair Jennifer Brower

AOP Chief Executive Bob Hughes and Chair David Shannon

CHRE Harry Cayton and Baroness Jill Pitkeathley OBE

College of Optometrists Chief Executive Bryony Pawinksa and President Dr Cindy Tromans

Department of Health Director of Professional Regulation Gavin Lerner , Deputy Director of Professional Standards, Dr Nick Clarke and Head of Communications and Stakeholder Relations, Matthew Fagg

FODO President Don Grocott

FMO Chief Executive Malcolm Polley and Chair Barry Dibble

General Pharmaceutical Council Chief Executive Duncan Rudkin and Chair Bob Nicholls CBE

General Social Care Council Chief Executive Penny Thompson and Chair Rosie Varley OBE

Macular Disease Society Chief Executive Helen Jackman, Chair Alan Alderman and Head of External affairs Cathy Yelf.

ANNEX 2 – DEPARTMENTAL REPORTS

Regulatory Services

Fitness to Practise

The department continues to investigate and prosecute complaints in connection with registrants' fitness to practise. The figures below relate to the year 1 April 2010 to 31 March 2011.

- Investigation – 87% of cases (83 out of 95 cases) that fall to be considered within this period met the KPI.
- FTP hearings – (those cases referred for a formal hearing in the year 1 April 2010 to 31 March 2011) 20 out of 28 cases have met the KPI (71%) and 8 have not (8%)
- Of the cases that fall to be considered within the KPI (ie the 28 cases referred to previously), the median time between referral by the Investigation Committee and service of documents on the hearings manager is 4 months and 26 days.
- Following the initial stages audit report the CHRE has now confirmed that we will not be subject to annual review; rather, the CHRE will next review the GOC investigation process in 2012 or 2013.
- The criminal prosecution protocol is to be considered by Council at this meeting – we continue to receive notifications from third parties as to potential breaches.
- The FTP new rules consultation has now closed and we are reviewing the responses and will make any necessary recommendations to Council later this year.

Registration

- Student registration – as at 9 May 2011, 811 individuals had completed their retention. This represents 19% of those eligible to apply. Online retention has been available to students since 19 April 2011.
- We are also preparing for the start of student registration for 2011 in September, and are contacting educational institutions to discuss with them the number of students they are expecting for the year, and the best time to undertake the student road shows.
- The team is currently dealing with a small number of applications for registration and restoration.
- We are also liaising with the College and processing applications in preparation for the non-EEA examinations taking place on 13-17 June.
- Registration projects (including reviews of student and body corporate registration) have been submitted as part of the business plan. In addition, we are providing information for the audit currently taking place.

Education

- ESDO visit to Bradford College Foundation Degree in Ophthalmic Dispensing took place on the 31 March/1 Apr (3rd year students)
- Visit to Plymouth University proposal for a new Optometry Degree Programme took place on 19 April where provisional approval has been granted for an intake of students commencing September 2011.
- ARU Registrable Foundation Degree Programme as alternative route to registration.
- Linda Kennaugh is currently looking into the viability of Overseas Accreditation.
- Enhancement to the new CET Scheme post 2012 and the review of the Dispensing Handbook are ongoing.
- We have been in contact with all IP registrants over the proposed amendments to the IP handbook which will make sure that it remains fit for purpose. Letters have been sent to all registrants and several responses have been received so far.
- Also we have set a date in September to visit Dublin Institute of Technology to view the operation of their Optometry course.

CEO's Office

Strategy and Policy team

- Review of Committee structures – research on GOC and other regulators' committees functions and operations. Paper prepared for Council discussion.
- Business Plan – coordination of the plan and starting departmental work planning.
- CHRE – coordinating the response to the draft Performance Review report and early involvement in the scoping of the efficiency and effectiveness review.
- Supporting the CE and Chair in their engagement with counterparts from key stakeholder organisations.
- Represented the GOC at the May 2011 European Council of Optometry and Optics meeting in Prague.

Communications and Governance

- Support for FTP – two versions of a leaflet on zero-powered contact lenses. One version is aimed at patient/public interest bodies and the public; the other is aimed at young people who buy them. We will be launching these at the Trading Standards Institute conference next month. (key project/core activity in publications)
- Media relations – set up interview with CEO and Vision Now; CE will take part in the Question Time debate at Vision 2011 UK conference next month.
- Planning content for next issues of e-Bulletin; Stakeholder Update; and the next Annual Report.
- Planning and preparation for the Council meeting. Paper prepared for Council discussion on Committee appointments.

Corporate Resources

Finance

The finance team is currently engaged in modernising our financial systems and procedures, which will ensure we can better predict and control spending in the coming years. The annual audit is also currently taking place and Audit Committee takes place on 1 June. All budget holders have been allocated their budgets for 2011/12, which incorporates the revised and simplified coding structure.

IT

The team recently visited ICM (our disaster recovery contractor) to undertake a rehearsal of our recovery procedures. The team has also started a major overhaul of the organisation's electronic filing system, to simplify and help improve navigation, which will lead to much improved document and information management. The finance system is also being upgraded to SAGE 200.

Human Resources

The HR team has recently conducted interviews for posts in the Fitness to Practise department and CEO's Office. The team is also in the process of completing the pay and grading review, and reviewing and replacing the staff handbook with assistance from Peninsula, our HR and health and safety consultants. Peninsula have also provided us with an online management system for recording and monitoring health and safety.

Hearings Department

The department is currently focusing on referrals from FTP. Hearing days have increased from five to eight days a month with dates in November and December only currently available in the 2011 hearings calendar. Hearings KPIs have all been met with 100% success.