

GENERAL OPTICAL COUNCIL

Minutes of the 200th meeting of the Council held on 25 April 2012 at RIBA

Present: Anna Bradley (in the Chair), Morag Alexander, Paul Carroll, Brian Coulter, Peter Douglas, Robert Hogan, Liam Kite, Fiona Peel, Nicholas Rumney, James Russell and Selina Ullah.

In attendance: Samantha Peters, Mandie Lavin, Jeff Cant, Phil Hallam, Grahame Tinsley (minutes 7614 to 7626), Linda Ford, Neil Drake, Simon Grier, Angela Cooper and Nicola Ebdon.

Apologies

7614. Apologies were received from Kevin Lewis.

Declaration of members' interests

7615. There were no additional interests declared.

Minutes of the 199th meeting held on 22 March 2012

7616. The minutes were **approved**.

Updated Actions - paper C16(12)

7617. Members **noted** the updated actions as circulated.

Other Matters Arising

7618. It was **noted** that consideration had been given to completing the governance project identified for 2013/14 earlier, however it was felt that this would not be possible given the current resources available and the number of other governance projects to be completed within 2012/13.

CEO Report – paper C17(12)

7619. Council **noted** the CEO's report as circulated. Items of particular interest to Council and discussed further were:

- if tenancy issues were resolved the maisonette was likely to provide the space required by the Executive;
- there was adequate provision in the budget for the anticipated CHRE levy;

- with regard to the reservation of healthcare regulation powers the Scottish health directorate had confirmed that the position in relation to existing regulators would not change, but that it was likely that newly regulated health professionals would be established on a different basis;
- further thinking was required regarding the opportunity to create a new system of health regulation accountability as part of the Law Commission Review. Members noted the lack of clarity about accountability to Parliament through the Health Select Committee. It was **agreed** that the Kings Fund paper would be circulated to Council as it highlighted the difficulties and limitations regarding accountability;
- the Preedy Appeal held at the High Court on 24 April 2012 had resulted in the GOC's decision being upheld and a decision that the appellant should pay the costs. As a way of keeping in touch with issues it was **recommended** that Executive and Council Members take future opportunities to attend appeals at the High Court; and
- the Executive were intending to submit a headline list of items for section 60 changes to the CHRE in early May 2012, which would be circulated to Council by email prior to submission. This list would then be developed with discussion and input from Council.

7620. Council **approved** the introduction of the proposed Quarterly Review format for reporting to Council from June 2012 and made the following recommendations:

- include actions taken to mitigate risks;
- include interpretative comments from the CEO on the business plan and budget;
- identify budget variances, include reasoning and steps taken to rectify the situation;
- include engagement in the nations within the stakeholder section, including reports from the National Members;
- consideration of the inclusion of a breakdown of engagement by stakeholder group;
- consider the inclusion of budget approval;
- consider the inclusion of audit compliance and progress within the review with the Chair of the Audit Committee; and
- include information on training and development and values work within the HR update to ensure the allocated budget was allocated appropriately.

7621. Council **noted** the project update on the Fitness to Practise Rules

contained within the report. Items of particular interest to Council and discussed further were:

- one response had been received to the recent additional limited consultation, which was reflective of the fact that the GOC had consulted on the issue fully throughout the process; and
- the process for recruitment of case examiners was under consideration, but would include considerable training to reduce the risk of transitional issues arising and was likely to include some innovative transitional methods developed from shared learning with other regulators.

7622. Council **noted** the project update on the development of a strategy for Criminal Prosecutions contained within the report. Items of particular interest to Council and discussed further were:

- the requirement for the Executive to develop the overall strategy and approach for criminal prosecutions and then apply it to zero powered contact lenses to a more ambitious timeline; and
- the benefits of working collaboratively with other regulators in this area.

Chair's Report – paper C18(12)

7623. Council **noted** the Chair's report as circulated. Council confirmed that the report was of use to Members. Members were requested to contact the Executive should they wish to attend Vision 2012.

Performance Report – paper C19(12)

7624. Council **noted** the final Performance Report for 2011/12 as circulated. Items of particular interest to Council and discussed further were:

- the review of how GOC discharged its responsibility to produce clinical guidance was being progressed but the timeline and remit had been amended following Council's request to expand the project. It was **agreed** that Council would be provided with the Project Initiation Document and a more detailed project update report in respect of the project to review the GOC's standards setting process. It was **noted** that there were no risks associated with deferring the completion of the project as CHRE had established that GOC standards were currently fit for purpose. It was **agreed** that a new deadline would be assigned to the project once relevant resources were in place and progress on the project would be routinely updated to Council as part of the Quarterly Review; and
- the establishment of a research and consultation programme to identify and prioritise key issues and developments in the optical

sector, and potential regulatory responses, with input from key stakeholders had been delayed due to resource issues and unexpected external pressures on the policy team. Council expressed its desire for the development of an appropriate research and consultation programme as soon as possible.

Final Quarterly Financial Report – paper C20(12)

7625. Council **noted** the Quarterly Financial report as circulated and **noted** that it would receive the audited full year financial statements in June 2012. Items of particular interest to Council and discussed further were:
- the out-turn for the year was a net underspend of £688.4k below budget. Council were reassured that the Executive had budgeted more realistically for 2012/13 with the ability to be able to draw on reserves if required;
 - the Executive intended to continue to streamline and improve FTP processes to reduce costs. Council **requested** that the Executive identify how to capture the financial benefit of changing to case examiners;
 - the key role of the Investigation Committee. Council **noted** that the Chair intended to write to the Investigation Committee to express the Council's gratitude for their hard work;
 - the difficulty of budget setting and managing risk in relation to FTP. Council **noted** the Executive intended to undertake market evaluation with regard to legal insurance and were committed to reporting legal risks to Council; and
 - the tighter budget for 2012/13 would lead to less flexibility for overspending on corporate areas, however Council recognised the need to invest in corporate areas to redress previous under investment and underpin the regulatory areas. Therefore investment would need to come from the "invest to save" reserve which would be reported in the quarterly review.

2012/13 Business Plan – paper C21(12)

7626. Council **considered** the business plan for 2012/13 as circulated. Items of particular interest to Council and discussed further were:
- the plan had been updated since the March Council meeting. There had been some reallocation of projects to ensure the plan was achievable, such as prioritising the CRM project over the relocation project and postponing the Fees structure project to 2013/14. The Executive had also developed the plan to acknowledge Council's request in relation to devolved nations support;
 - it was **agreed** that the standards project would be routinely updated to Council as part of the Quarterly Review;
 - the Executive proposed and Council **agreed** extending the contract with OCCS by one year to meet the constraints of the

business plan for 2012/13 and had therefore decided not to re-tender for a second year. Council **requested** that the Executive consider whether there was a limit as to how many years a contract could be extended without a re-tender exercise. It was **agreed** that OCCS would be asked to present a formal annual report to Council; and

- the Executive has developed a strategic clock in order to manage the business plan on an annual basis which would be presented to all staff in May with the business plan.

7627. Council **approved** the Business Plan as circulated, including the specific changes notified to Council, the extension of the OCCS contract for one year and the strategic clock.

GOC Business Plan KPIs and Core Activity Performance Indicators – paper C22(11)

7628. Council **considered** the proposed KPIs and Core Activity Performance Indicators as circulated. Items of particular interest to Council and discussed further were:

- the KPIs had been modified from the version submitted to Council in March and included separately defined success criteria, as well as target levels of achievement by the end of the current Strategic Plan (2014) which were to be monitored annually;
- the Executive had compared the performance indicators against the achievement levels monitored in the quarterly Performance Reports and adjusted them to reflect the performance levels achieved over the course of the first year;
- some targets had been set cautiously to reflect the impact that the implementation of the CRM system would have on resources and business efficiency. Council felt that in general targets should be aspirational and therefore explanation should be provided where a target would not be met in any period rather than amending the target accordingly;
- the role of stakeholders in assessing quality assurance and measuring confidence in the GOC. It was felt that measuring stakeholder confidence in the GOC could be challenging given that confidence was perceptive, however it would be of value; and
- the use of an annual survey to assess performance. It was felt that survey results would help in making an annual assessment however, it would not be enough to demonstrate consistent achievement.

7629. Council **agreed** that the KPIs and Core Activity Performance Indicators should return to Council for approval following further development to reflect the following recommendations:

- update with precise definitions of what will be measured and how;
- ensure any survey designed to measure performance adequately explains the issue and defines the measure clearly so that the question can be fully understood;
- KPIs which are to be measured by a survey should not have target levels of achievement set until a benchmark measure has been set;
- review the targets based on available data to ensure they are set at a challenging level of achievement above that achieved previously, or an explanation given as to why not;
- ensure the Executive understand that generally targets should be set to provide a year on year improvement and that it was acceptable to miss a target if there was a valid reason and if an assessment had been undertaken to establish what improvements can be made;
- develop a way of measuring stakeholder confidence in the GOC and an internal audit quality assurance measurement;
- review all KPIs to ensure they demonstrate achievement of the stated aim;
- identify components of the performance indicators which could be measured quantitatively to add to the results provided by the annual survey. Council **agreed** to submit suggestions to the CEO by 26 April 2012; and
- include a comments column to explain any situations where direct comparisons of data cannot be made.

CET – Cost Benefit Analysis Research – paper C23(11)

7630. Council **reviewed** the paper as circulated. Items of particular interest to Council and discussed further were:
- the research concluded the enhanced CET scheme was fit for purpose, in that it addressed the risks identified by earlier research;
 - the research concluded that a Clinical Skills Assessment would be unlikely to deliver the additional benefits required to outweigh the high costs and therefore it would not be proportionate to include in the CET scheme;
 - the research was specifically undertaken in relation to clinical assessment and therefore did address the concerns of Council Members in relation to revalidation; and
 - the IT system would monitor the requirement to do CET across all competencies, assist registrants in seeking required competencies and link to providers to ensure sufficient provision. Council **agreed** that the Executive should develop a performance indicator to ensure that the IT system and CRM in the future had appropriate functionality. This would enable Council to monitor progress and identify whether any subsequent action was required.

7631. Council **agreed** the enhancements to the CET Scheme would be effective in addressing the risks associated with optical practice, as identified in the risk research and on the basis of the evidence presented **agreed** not to introduce a six yearly clinical skills assessment.
7632. Council **agreed** to share the research with optical stakeholders through the CET stakeholder Advisory Group; publish the research on the GOC website and to share the research with the other regulators, the Department of Health and CHRE Revalidation teams once it had been updated to:
- correct factual inaccuracies. Council **agreed** to send comments regarding factual inaccuracy to the Executive by 2 May 2012;
 - correct all typographical errors; and
 - clearly identify the report as completed by the researchers for the GOC, accompanied by a statement that it represented work commissioned independently by the GOC.
- The updated report would be circulated to Council prior to publication.
7633. Council **agreed** that the CET scheme should include an opportunity to monitor and evaluate the scheme and undertake a further cost benefit evaluation to test the decision not to introduce a six yearly clinical skills assessment.

Devolved Administrations

7634. Council **noted** the following information in relation to Council activity in the devolved administrations:
- the Member for Northern Ireland would be attending the AGM of Optometry Northern Ireland on 14 May 2012; and
 - the GOC CEO had attended the Optometry Wales Gala Dinner on 21 April 2012.

Any other business

7635. There were no items of other business.

Date and time of next meeting

7636. It was **noted** that the next meeting would be at 10.30am on Thursday 28 June 2012.

Items for Information – papers C24(12) and C25(12)

7637. Council **noted** the content of the papers on Committees update and stakeholder engagement activity as circulated.