

GENERAL OPTICAL COUNCIL

**Minutes of the 180th meeting of the Council held on 2 July 2009 at
ABDO, 199 Gloucester Terrace, London W2 6LD**

Present: Geoffrey Harris (in the Chair),
Paul Carroll, Brian Coulter, Peter Douglas, Kevin Lewis,
Liam Kite, Fiona Peel, James Russell

In attendance: Dian Taylor, Kate Fielding, Rosalyn Hayles, Jon Levett,
Clare Millington, Ami Samra, Maria Claridge

Alan Tinger, GOC Consultant

Chair's opening remarks

6928. The Chair welcomed members and guests to the 180th meeting of the Council. The Council thanked ABDO and FODO for the use of their premises, for its meetings over 1 and 2 July, while the Council's offices at 41 Harley Street underwent refurbishment. Guests were advised it was the Council's intent for future Council meetings to be held at the Council's offices, as a matter of course.

Apologies for absence

6929. Apologies for absence were received from Morag Alexander, Anna Bradley, Robert Hogan and Nicholas Rumney.

Declarations of interest

6930. Members were reminded that they must declare to the meeting any matter in which they had any actual or perceived personal or professional conflict of interest that might influence their judgement.

Minutes of the 179th meeting held on 2 April 2009

6931. The Minutes of the meeting held on 2 April 2009 were approved as being a true and fair record of the meeting.

Matters arising from the 179th meeting: for information

6932. The Council noted that, in accordance with Minute 6907, the Executive had completed the Equality and Diversity Impact Assessment, pertaining to the establishment of the two Stakeholder Reference Groups. The Executive was satisfied none of the proposals discriminated unlawfully, or raised difficulties, for persons on the grounds of age, disability, gender, marital status, race/ethnicity, religion and belief, sexual orientation, or socio-economical status.

ITEMS FOR DISCUSSION AND/OR DECISION

Financial reporting for 2008/09

(i) Audited accounts for 2008/09

6933. The Council received **Paper C(09)09 Annex 1**, being the draft Audit Findings Report and Financial Statements, commended to Council by the Audit Committee. The acting Audit Committee Chair reported that both the Committee and Baker Tilly (the auditors), were satisfied with the Statements and the processes undertaken.

6934. In response to a query, the Council was advised the term 'Other Recognised Gains and Losses in the year', used on p18 of the Report, the auditors had deemed appropriate. Mr Tinger advised he would discuss with the auditors, whether there might be a more appropriate term.

6935. The Council was advised there was one further change to the accounts to be made, with the addition of Mr Coulter's qualifications on p2 of the Report.

6936. **RESOLVED:**

To approve the Audited Accounts for 2008/09, subject to further discussion with the auditors concerning the wording of 'Other Recognised Gains and Losses in the year' on p18, and the addition of Mr Coulter's qualifications on p2.

ii) Income & Expenditure major variance analysis for the previous year

6937. The Council received **Paper C(09)09 Annex 2**, being the Income & Expenditure major variance analysis for 2008/09, noting a narrative had been added to outline the reasons behind any major variances.

(iii) Capital Expenditure for the previous year

6938. The Council received **Paper C(09)09 Annex 3**, being the Schedule of Capital Expenditure for the period ending 31/03/09. It was noted that a formatting change was required for item 4 'Intangible Fixed Assets', with the addition of a '0' at the end of the figures.

6939. It was noted that the substantial investment in the Council's Information Technology was required due to the need to replace a large amount of outdated equipment at one time. The Information Technology Strategy, now in place, would ensure a continued programme of investment thereby avoiding a need for one-off investments, of this size, in the future.

(iv) Cash Flow Statement for the previous year

6940. The Council received **Paper C(09)09 Annex 4**, being the Actual Cash Flow Statement for 2008/09.

(v) Cash Flow Forecast for the current year

6941. The Council received **Paper C(09)09 Annex 5**, being the Cash Flow Forecast for 2009/10.

(vi) Reserves projection to the end of the current year

6942. The Council received **Paper C(09)09 Annex 6**, which detailed the background to the development of the Council's risk-based Reserves Policy, together with its appendix, which was tabled at the meeting, being a schedule of figures around the policy.

6943. The Council noted the next quarterly review of the policy was scheduled for the end of July 2009, and would encompass the following areas: type of risk; nature of risk; what mitigation was in place; and the outstanding financial risk covered by reserves.

6944. Members commented on the importance of giving thought to planning for risks being realised across all areas at once. It was suggested that, at the upcoming review, thought should be given as to whether areas such as staffing costs, should be considered in the reserves policy.

6945. It was queried whether consideration was being given to the issue of the reserves held currently being below the calculated level, as a result of the reversal of the 'Change Management provision', of £280,000, in 2009/10. The Council was advised this would be an important consideration in the planning for the 2010/11 budget.

Committee membership

6946. The Council received **Paper C(10)09**, outlining proposals on the options available to the Council for the appointment of its committee members. The Council was advised this was a revised version of Paper C(04)08 Annex 3, considered by the previous Council in March 2008. At that meeting the decision was taken to provide for continuity by using the existing membership of Council to populate the committees, for a provisional period, allowing the new Council sufficient time to decide the future process for appointment to its statutory committees.

6947. The paper outlined three options available to the Council for this process: (i) the establishment of an independent Appointments Board; (ii) outsourcing to a recruitment agency; and (iii) outsourcing to the Appointments Commission.

6948. The Council also considered an additional option: (iv) draw on members of the Council and the Senior Management Team, in order to form an appointments board for the making of the initial appointments, with administrative support provided by the Executive. Taking into consideration time limitations and cost implications, Council felt this was the most sensible and pragmatic option as it would be speedy and cost-effective. Council nevertheless recognised this would place a resource burden on the Executive.

6949. The Council noted the Director of Legal & Fitness to Practise's concerns that it would be inappropriate, given her role in effectively preparing cases for the Committee, for her to be involved in the appointment of Investigation Committee members.

6950. The Council recognised that the Companies Committee was unusual as, under the GOC's Committee Constitution Rules 2005, it is constituted with a minority of Council appointed members and a majority of advisers, appointed under advice from the optical bodies.

6951. **RESOLVED:**

That:

- **Option IV be adopted as the preferred method for the initial appointments to the GOC's statutory committees;**
- **Each member of the Senior Management Team, who chairs a statutory committee, will form an appointments panel with 1 registrant member and 1 lay member of Council in order to undertake the appointments process. Each panel will then bring their appointment recommendations**

to Council, who will make the appointments and retain oversight for the process as a whole;

- The panel for the Investigation Committee would be led by the Registrar in light of the different character of that committee;
- This process would appoint the four Council appointees to the Companies Committee, with advice to be taken from the optical bodies as to who should serve as advisers to the Committee.

6952. (Note: subsequent to the meeting it was agreed: that the panel for the Investigation Committee would be chaired by the Council Chair; a non-GOC expert in Fitness to Practise, from another healthcare regulator, would be asked to serve as an Independent member for the Investigation Committee's panel; the Director of Human Resources & Organisational Development would sit on each of the committees, in order to provide appointments expertise to each panel.)

Council and Committee meeting dates 2010

6953. The Council received **Paper C(11)09** outlining proposed meeting dates of the Council, Investigation Committee, Audit Committee and Remuneration Committee for 2010. While the Audit Committee had been included in the schedule, in order to give Council an idea of when the Committee would need to meet, firm dates had not been proposed as Committee members were in discussion as to whether they wished for the meeting dates to coincide with Council meetings, or whether they should meet on other days.

6954. The Registrar advised the advisory committees' meeting dates had not been included in the schedule while consideration was being given to how the advisory committees would function in future, including whether they would continue to meet three times a year. It was agreed that, the advisory committees' meetings, should be driven by their workload.

6955. **RESOLVED:**

To:

- **Defer agreement on the proposed Council meeting dates, pending clarification as to members' availability which would be undertaken by email following the meeting. Once agreed, these dates would be posted on the GOC website;**
- **Identify dates for the Council to meet with the two Stakeholder Groups which will be established in the 2010/11 financial year;**
- **That further proposals, pertaining to the meetings of the advisory committees, be brought to either the September or November 2009 Council meetings, once there was greater clarity as to the committees' expected workloads for 2010.**

ITEMS FOR RECEIPT AND/OR INFORMATION

CHRE standards

6956. The Council noted **Paper C(12)09**, being a report of the GOC's activity in maintaining and achieving satisfactory performance against CHRE standards.

6957. The Registrar reported that the CHRE 2008/09 Report was scheduled to be laid in Parliament on 3 July 2009. Council was advised that, in accordance with usual practice, the Chair and Registrar were scheduled to meet with the CHRE in Summer 2009, for an informal discussion. In addition, the CHRE will now be holding forums twice-yearly; the first of which was scheduled for 16 July 2009, which the Chair and Registrar would also be attending.

6958. The Chair commented that, while the GOC must be considered by the CHRE as an efficient and effective regulator, their views were not the sole determinant and the Council must be satisfied that the measures being introduced and developed, are measures which the GOC, as the regulator, is satisfied are proportionate and effective.

6959. The Chair reiterated the comment made at a previous meeting of Council regarding the importance of strengthening, at Council level, the relationship with the CHRE and encouraged members to take up the opportunity to meet with the CHRE as part of the Council's induction programme.

6960. Following a query as to whether there anything of concern in the report, the Council was assured it was a good report, with the areas picked up on by the CHRE being ones with which the Council was already familiar with and was addressing through the modernisation of its Fitness to Practise processes, and projects within the Communications department concerning the Access to the Registers.

6961. The report had commented on the need for content or outcome of the approval reports, following the visits to the GOC's education providers, to be reported to the public meetings of the Council. It had also commented on the need for there to be greater patient involvement in education visits.

6962. The Council noted the GOC had been commended in several areas of the report, in particular; the carrying out of identity checks on students and new registrants; and for taking action against an internet retailer selling contact lenses outside the requirements of the Opticians Act.

6963. With the CHRE set to revise its own standards prior to the commencement of the 2009/10 performance reviews, it was queried whether the CHRE were likely to consult with the regulators on this review. The Registrar assured Council that CHRE consults fully on these standards and the GOC will have the opportunity to comment, as has happened previously.

6964. The Council were advised that it was understood that the CHRE's intention, pertaining to the change in their standards, was for (i) there to be fewer standards in future; and (ii) for these to be more outcome focused, rather than about processes. The Council agreed it would welcome these changes.

Equality and Diversity scheme

6965. The Council noted **Paper C(13)09** being the report on the GOC's performance against the delivery of the Equality and Diversity Action Plan.

6966. The Council noted that the majority of the milestones have to date been achieved as scheduled. Where they haven't, a revised plan will be submitted to the Council's September 2009 meeting.

6967. The Council were assured that the GOC is fully compliant with Equality and Diversity legislation.

Preparation for the Annual Report

The Council noted **Paper C(14)09**, being an update on the publication of the Annual Report, including an outline of the delivery schedule. It was noted that this year's Annual Report will be published in electronic format, the rationale for which, being primarily in response to feedback gathered in 2008.

Determinations of FTP Hearings

6968. The Council noted **Paper C(15)09**, detailing the determinations of the Fitness to Practise Committees' substantive and interim hearings since 1 April 2009; the annexes for which were tabled at the meeting.

Stakeholder engagement activity 2008/09

6969. The Council noted **Paper C(16)09**, which provided an update on the GOC stakeholder engagement activity for 2008/09. It was noted that, in addition to the GOC's statutory duty to involve stakeholders in its work, the GOC also works to its Consultation Framework which has now been published. It was noted that the presentations, which the Council had received from its key stakeholders in seminar, had not been incorporated into the schedule.

6970. It was queried whether consideration had been given to holding registrant events throughout the country. It was noted it had been considered at the outset of establishing the strategy, with the decision taken to establish select committees initially; this was largely due to the cost involved in such events. The Council recognised this was an important method for ensuring the Council's work is well-informed. It was noted that, in recent years the Council had held public meetings outside of London and will look to do so again from 2010 onwards. The Chair suggested also that the Council should consider ways in which Council members, particularly those based in the devolved administrations, could be utilised as points of communication at a local level. The Chair also encouraged members to make use of contact with their own Local Optical Committee (LOC), with a view to ensure the Council is as well-informed as it can be in order to supplement the formal Stakeholder Engagement Group meetings which will be held from 2010 onwards.

6971. The Director of Communications & Information advised that the targets for stakeholder engagement this year include holding at least one consultation event in each of the four UK countries. The intent is to extend this regionally within England as well.

6972. It was suggested also that Council members may wish to take up the opportunity to attend some of the larger Continuing Education & Training (CET) events held nationally.

Any other business

6973. No further issues were raised.

Date and time of next meeting

6974. The next Council meeting will be held at **09:30** on **Wednesday, 23 September 2009** at the General Optical Council, 41 Harley Street, London W1G 8DJ