

**COUNCIL**

**C(01)09  
02.04.09  
PUBLIC**

**The decision-making structure of Council**

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For decision

**Issue:**

The roles and responsibilities of the committees, and the functions delegated by the Council to committees and the Registrar, are set out in certain key documents. The Senior Management Team has revisited these documents in light of the revised constitutional arrangements for the Council, best practice in corporate governance, and other changes to the Council's governing legislation. This paper outlines the proposed changes to be made to these documents.

**Recommendation(s):**

Council are invited to consider the proposed amendments set out in the paper and approved the revised documents.

**Annexes:**

The following annex/annexes are attached to this paper:

Annex 1: Allocation of Roles and Responsibilities

Annex 2: Scheme of Delegation

Annex 3: Standing Orders

Annex 4: Code of Conduct

**Further information:**

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**The decision-making structure of Council**

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For decision

**Introduction:**

1. The General Optical Council (GOC) has a number of statutory committees, i.e. committees which the GOC must have by virtue of the Opticians Act 1989. These are as follows:

- Education Committee
- Companies Committee
- Investigation Committee
- Registration Committee
- Registration Appeals Committee
- Standards Committee
- Fitness to Practise Committee
- Hearings Panel

2. The Council also has the power to set up other committees under section 6 of the Opticians Act. The Council previously has established the following non-statutory committees:

- Audit Committee
- Finance and Procedure Committee
- Remuneration Committee

3. Taking into account the revised governance arrangements coming into place from 1st April 2009, the previous Council considered whether the existing statutory committees should be retained. It was decided that they should be retained, with the exception of Companies Committee which it was felt should be retained as a standing, but non-statutory, committee. In any event, the legislation which was to be introduced for the purpose of removing statutory committees from the statute has been delayed, and hence the committees outlined in paragraph 1 will remain as statutory committees of the GOC for the time being. The revised timetable for introducing such legislation is not known, and it is possible that the Government will come to its own view as to the statutory committees that each regulator should have. NB. The Department of Health has advised that the direction of travel is to allow for the regulators to have greater flexibility with regard to its committee structures – for example, the General Pharmaceutical Council is being set up with only two statutory committees which are Investigation Committee and Fitness to Practise Committee.
4. With respect to the constitution of statutory committees, the Council made amendments to its rules in November 2008. Under the rules, the membership of a number of the statutory committees (Education, Registration, Investigation, and Standards) had all previously been drawn exclusively from the membership of Council. This requirement in the rules has been removed. Thus, the Council is

now able to appoint non-Council members to these committees. Changes to the rules also mean that the Council has greater flexibility regarding the number of members for each committee.

5. With regard to the non-statutory committees of the GOC, it is anticipated that the Council would wish to retain an Audit Committee and Remuneration Committee. These would be Council committees, i.e. their membership would be drawn from the membership of Council. It is not anticipated that the Council would wish to retain a Finance and Procedure Committee (see paragraph 10 below).
6. The roles and responsibilities of the committees, and the functions delegated by the Council to committees and the Registrar, are set out in certain key documents. The Senior Management Team has revisited these documents in light of the revised constitutional arrangements for the Council, best practice in corporate governance, and other changes to the Council's governing legislation. This paper outlines the proposed changes to be made to these documents. The Council is invited to consider and approve these amendments.

### **Discussion:**

7. The Senior Management Team has revisited the Allocation of Roles and Responsibilities, the Scheme of Delegation, the Standing Orders, and the Code of Conduct for Members, and proposes the following amendments:

#### *Allocation of Roles and Responsibilities*

8. This document outlines the roles of the Council, the Registrar, the Council's committees, and its staff. A number of proposed amendments have been made to this document – see **Annex 1**.
9. Firstly, references to the composition and membership of the GOC's statutory committees now refer to the GOC's Committee Constitution Rules 2005, rather than duplicate the detail of these rules in the document.
10. Secondly, references to the Finance and Procedure Committee have been removed. It is proposed that matters relating to financial governance are dealt with directly by the Council, and that all other matters relating to finance are the responsibility of the Registrar for which they are held to account by the Council. The Registrar is to establish a Finance Management Group.
11. Finally, the role of the Remuneration Committee has been revised so that responsibility for the appointment and remuneration of directors lies with the Registrar, and not with the Remuneration Committee. This is in line with the CHRE's advice to Niall Dickson's Working Group (Enhancing Confidence in Healthcare Professional Regulators) as to the characteristics of an effective board based on enabling the Registrar to be held fully to account for the performance of the organisation against the Council's business plan and to fully separate governance from management.

### *Scheme of Delegation*

12. The Scheme of Delegation sets out the way in which functions ascribed to the Council and the Registrar, under the Opticians Act 1989 and associated rules, are to be delegated to committees or staff. A number of proposed amendments have been made to this document – see **Annex 2**.
13. Firstly, it is proposed that the document is separated into two parts. The first part ('Part 1') concerns the functions of the Council and how these are to be retained by Council or delegated to the Registrar or a committee. This document requires the approval of the Council. The second part ('Part 2') concerns the functions of the Registrar and whether these are to be retained by the Registrar or delegated to another member of staff. This is the Registrar's document for management purposes. It will be included in the Council members' handbook for information. Part 2 is not included in Annex 2, as this is currently being developed.
14. Secondly, the document had previously by-passed the Registrar in the delegation of Council functions to staff members, with some functions being delegated to individual directors. It is proposed that functions in Part 1 of the scheme should only be delegated to the Registrar (or a committee). The Registrar may then decide to further delegate functions delegated to her under Part 1 to another member of staff (in Part 2 of the Scheme) unless the Council forbids any further delegation. This will allow the Council to fully hold the Registrar to account for the delivery of such functions, and the Registrar to manage the delivery of those functions according to her own view.
15. Thirdly, the scheme has been amended to reflect the revised role of the Remuneration Committee under the Allocation of Roles and Responsibilities, with director-level appointments and remuneration now being a matter for the Registrar.

### *Standing Orders*

16. A number of proposed amendments have been to the Standing Orders to reflect the revised constitutional arrangements to the Council and its committees – see **Annex 3**.
17. Firstly, the previous Standing Orders set out the arrangements for the election of the Deputy Chair. These have now been removed, and reference is made to the deputising arrangements set out in the Constitution Order 2009.
18. Secondly, references to the election of the Honorary Treasurer have been removed, as it is proposed that this post will no longer exist.
19. Thirdly, new sections on the education and training of Council members and on the provisional suspension of Council members and the suspension and removal of committee members have been added. These are now required to be set out in Standing Orders under the Opticians Act 1989 and the Constitution Order 2009. With regard to the provisional suspension of Council members, and the suspension and removal of committee members, detailed procedures are being developed to be included in the members' handbook.

20. Fourthly, references to the election of the chairs of committees have been removed, as these are now appointments made by the Council for statutory committees under the revised Committee Constitution Rules. It is proposed that the same arrangements apply for non-statutory committees, and that deputy chairs are also appointed by the Council.
21. Finally, an amendment has been made to the provision for the quorum of non-statutory committees. The previous provision created difficulties when a committee consisted of less than five members. In the case of Audit Committee, which has three members, the Standing Orders previously required all members to be present for the Committee to be quorate. It is that a general formula is used in the Standing Orders instead whereby a quorum should be 50% of the membership, rounded up where 50% is a fraction of a whole number.

#### *Code of Conduct*

22. The Code of Conduct provides guidance to Council members, committee members, Hearings Panel members, Advisors and Visitors on the conduct and behaviour expected of them. It is proposed that the guidance on how conflicts of interest are handled, especially in relation to any member's involvement in any current fitness to practise investigations or proceedings, is expanded – see **Annex 4**.

#### **Recommendation:**

Council are invited to consider the proposed amendments set out above and approve the revised documents.

#### **Resource implications:**

N/A

#### **Equality and diversity implications:**

*Has an Equality and Diversity Impact Assessment been carried out?*

23. An impact assessment has been carried out. None of the proposals discriminate unlawfully or raise difficulties for persons on the grounds of age, disability, gender, marital status, race/ethnicity, religion and belief, sexual orientation, or socio-economic status. The guidance in the Code of Conduct for members to demonstrate respect and dignity for others; a commitment to diversity and equal opportunities; and conduct themselves in a non-discriminatory manner will have a positive impact in promoting equality.

#### **Stakeholder engagement:**

*Has the Consultation Checklist been completed?*

24. No consultation has been carried out on the proposed amendments.

**ALLOCATION OF ROLES AND RESPONSIBILITIES**

This document sets out the role of the Council, its Committees, the Registrar and the Council staff

Part 1	_____	The Council and Registrar
Part 2	_____	The Education Committee
Part 3	_____	The Companies Committee
Part 4	_____	The Investigation Committee
Part 5	_____	The Registration Committee
Part 6	_____	The Registration Appeals Committee
Part 7	_____	The Standards Committee
Part 8	_____	The Fitness to Practise Committee
Part 9	_____	The Hearings Panel
Part 10	_____	The Remuneration Committee
Part 11	_____	The Audit Committee
Part 12	_____	Council staff

**All references to sections or schedules are references to sections of, or schedules to, the Opticians Act.**

# **PART 1: THE COUNCIL AND REGISTRAR**

## **Statutory basis**

1.1 Section 1 of the Act

## **Statutory responsibilities**

1.2 The Council has the functions set out in Tables A and B of the Scheme of Delegation and the Registrar has the functions set out in Tables C and D of the Scheme of Delegation.

## **Delegated responsibilities**

1.3 The Council delegates to the Registrar under section 6A, the functions indicated in column 3 in Tables A and B of the Scheme of Delegation.

## **Additional responsibilities**

1.4 The Registrar has the additional responsibilities set out in the Registrar's job description.

## **Composition and Membership**

1.5 The Council is constituted in accordance with Schedule 1 of the Act.

## **Frequency of Meetings**

1.6 The Council will meet no less than four times a year

## **Administrative support**

1.7 Administrative support to the Committee shall be provided by the Registrar. All Directors will usually attend meetings of the Council.

## **PART 2: THE EDUCATION COMMITTEE**

### **Statutory basis**

2.1 Section 2 of the Act

### **Statutory responsibilities**

2.2 There shall continue to be a committee of the Council known as the Education Committee, for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to optical training, education and assessment (Section 2(1)).

The Committee shall undertake the functions allocated to them under Part 2 of the Act (section 12(4): review of requirements as to the content and standard of education and training and advice as to the necessity of changes to those requirements).

### **Delegated responsibilities**

2.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6A the functions set out in Table A of the Scheme of Delegation).

### **Additional responsibilities**

2.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the making, or revision, of rules under section 11A(1) (rules providing for a continuing education and training scheme);
- (2) advise the Council as to approvals under sections 12(7) and 12(9) (approval of establishments, qualifications and tests of language; approval of establishments providing partial education and training and qualifications which meet only some requirements);
- (3) advise the Council as to the commissioning of advice under section 12(8) (commission of advice regarding establishments or qualifications);
- (4) advise the Council as to the withdrawal of approvals under section 13(7) (withdrawal of approval from a training establishment or of a qualification);
- (5) keep under review the provisions of Part 2 of the Opticians Act (registration and training) and subsidiary rules relating to the work of the committee and propose revisions, as appropriate;

### **Composition and Membership**

2.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005

### **Frequency of Meetings**

2.6 The Committee will meet no less than three times a year

### **Administrative support**

2.6 Administrative support to the Committee shall be provided by the Education Department.



## **PART 3: THE COMPANIES COMMITTEE**

### **Statutory basis**

3.1 Section 3 of the Act

### **Statutory responsibilities**

3.2 There shall continue to be a committee of the Council known as the Companies Committee for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to business registrants, other than matters required by this Act to be considered by the Investigation Committee, the Registration Appeals Committee or the Fitness to Practise Committee (Section 3(1)).

### **Delegated responsibilities**

3.3 N/A

### **Additional responsibilities**

3.4 N/A

### **Composition and Membership**

3.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005

### **Frequency of Meetings**

3.6 The Committee will meet no less than three times a year

### **Administrative support**

3.7 Administrative support to the Committee shall be provided by the Communications Department.

## **PART 4: THE INVESTIGATION COMMITTEE**

### **Statutory basis**

4.1 Section 4 of the Act

### **Statutory responsibilities**

4.2 There shall be a committee of the Council known as the Investigation Committee for the purpose of investigating any allegation that -

- (a) a registered optometrist's or a registered dispensing optician's fitness to practise is impaired;
- (b) a business registrant's fitness to carry on business as an optometrist or a dispensing optician or both is impaired; or
- (c) a student registrant's fitness to undertake training as an optometrist or a dispensing optician is impaired (section 4(1)).

The Committee shall undertake the functions allocated to them under Part 2A of the Act (section 13D(5): decision as to whether an allegation ought to be considered by the Fitness to Practise Committee; section 13D(6): direction to registrar to refer; section 13D(7): decision as to whether to give a warning; section 13D(8): direction to registrar not to refer and not to give a warning; section 13D(9): direction to registrar to seek an interim order).

### **Delegated responsibilities**

4.3 N/A

### **Additional responsibilities**

4.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the making, or revision, of rules under section 13E(1) (rules delegating functions of the Investigation Committee);
- (2) advise the Council as to the making, or revision, of rules under section 23C(1)(b) (procedure of the Investigation Committee);
- (3) advise the Council as to the making, or revision, of rules under section 23C(3) (appointment of assessors);
- (4) keep under review the provisions of Parts 2A and 3A of the Opticians Act (fitness to practise / proceedings and appeals) and subsidiary rules relating to the work of the committee and propose revisions, as appropriate.

### **Composition and Membership**

4.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005

### **Frequency of Meetings**

4.6 The Committee will meet no less than six times a year.

### **Administrative support and attendance of officers**

4.7 Administrative support to the Committee shall be provided by the Fitness to Practise and Legal Department.

## **PART 5: THE REGISTRATION COMMITTEE**

### **Statutory basis**

5.1 Section 5A of the Act

### **Statutory responsibilities**

5.2 There shall be a committee of the Council known as the Registration Committee, for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to registration, other than matters required by this Act to be considered by the Registration Appeals Committee (Section 5(1)).

### **Delegated responsibilities**

5.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6A, the functions indicated in column 3 in Table A of the Scheme of Delegation.

### **Additional responsibilities**

5.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the making, or revision, of rules under sections 10(1) and 10(1A) (form and keeping of registers, registration and entry of specialties);
- (2) advise the Council as to the making, or revision, of rules under section 10A(5) (rules specifying types and amounts of adequate and appropriate insurance);
- (3) advise the Council as to the publication of the registers under section 11;
- (4) advise the Registrar as to the exercise of his powers set out in rules 5(2), 8(3), 9(3) and 18(2) of the Registration Rules (information which may additionally be sought from applicants for registration, retention or restoration);
- (5) keep under review the provisions of Part 2 of, and Schedule 1A to, the Opticians Act (registration and training / registration appeals) and subsidiary rules relating to the work of the committee and propose revisions, as appropriate.

### **Composition and Membership**

5.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005

### **Frequency of Meetings**

5.6 The Committee will meet no less than three times a year

### **Administrative support**

5.6 Administrative support to the Committee shall be provided by the Registration Department.

## **PART 6: THE REGISTRATION APPEALS COMMITTEE**

### **Statutory basis**

6.1 Section 5A of the Act

### **Statutory responsibilities**

6.2 There shall be a committee of the Council known as the Registration Appeals Committee, for the purpose of hearing and determining appeals against any decision of the registrar refusing to enter the name of an individual or body corporate in, or to restore it to, the appropriate register (Section 5A(1)).

The Committee shall undertake the functions allocated to it under Parts 2A and 3A of, and Schedule 1A to, the Act.

### **Delegated responsibilities**

6.3 N/A

### **Additional responsibilities**

6.4 N/A

### **Composition and Membership**

6.5 The Committee shall be constituted in accordance with the Committee Constitution Rules 2005.

### **Frequency of Meetings**

6.6 The Committee will meet from time to time as necessary

### **Administrative support**

6.7 Administrative support to the Committee shall be provided by the Hearings Manager.

## **PART 7: THE STANDARDS COMMITTEE**

### **Statutory basis**

7.1 Section 5B of the Act

### **Statutory responsibilities**

7.2 There shall be a committee of the Council known as the Standards Committee for the purpose of giving advice and assistance to the Council (whether or not in response to a reference from them) on matters relating to the standards of conduct and performance expected of registrants or those seeking admission to a register (Section 5B(1)).

The Committee shall undertake the functions allocated to it under Part 2 of the Act (section 12(4): review of competencies for qualification and advice as to the necessity of changes to those competencies).

### **Delegated responsibilities**

7.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6A the functions indicated in column 3 in Table A of the Scheme of Delegation.

### **Additional responsibilities**

7.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the need for provision, or revision, of guidance for individual registrants under sections 13A(1)(a) and 13(4);
- (2) advise the Council as to the need for provision, or revision, of guidance for business registrants under sections 13A(2)(a) and 13(4);
- (3) advise the Council as to the making, or revision, of rules under section 24(3) (testing of sight by persons training);
- (4) advise the Council as to the making, or revision, of rules under section 25(3) (fitting of contact lenses by persons training);
- (5) advise the Council as to the making, or revision, of rules under section 27(3C) (specifying arrangements for aftercare);
- (6) advise the Council as to the making, or revision, of rules under section 31(1)(b) (carrying on of practice or business under names other than those under which they are registered);
- (7) advise the Council as to the making, or revision, of rules under section 31(1)(c) (prescription, sale, supply and administration of drugs);
- (8) advise the Council as to the making, or revision, of rules under section 31(1)(d) (practice of orthoptics);
- (9) advise the Council as to the making, or revision, of rules under section 31(1)(e) (prescription, sale, supply and fitting of contact lenses);
- (10) advise the Council as to the making, or revision, of rules under section 31(3) (requirements to be met if prescribing, fitting, supplying or selling contact lenses);

## **PART 7: THE STANDARDS COMMITTEE**

- (11) advise the Council as to the making, or revision, of rules under section 31(5) (taking of prescribed steps to refer where person suffering from injury or disease of the eye);
- (12) keep under review the provisions of Part 4 of the Opticians Act (criminal offences) and subsidiary rules and propose revisions, as appropriate.
- (13) keep under review the provisions of sections 31 and 31A of the Opticians Act (professional rules) and propose revisions, as appropriate.

### **Composition and Membership**

7.5 The Committee is constituted in accordance with the Committee Constitution Rules 2005.

### **Frequency of Meetings**

7.6 The Committee will meet no less than three times a year.

### **Administrative support**

7.6 Administrative support to the Committee shall be provided by the Standards Department.

## **PART 8: THE FITNESS TO PRACTISE COMMITTEE**

### **Statutory basis**

8.1 Section 5C of the Act

### **Statutory responsibilities**

8.2 There shall be a Committee of the Council known as the Fitness to Practise Committee for the purpose of inquiring into and determining allegations relating to -

- (a) the fitness of registered optometrists and registered dispensing opticians to practise;
- (b) the fitness of business registrants to carry on business as an optometrist or a dispensing optician or both; and
- (c) the fitness of student registrants to undertake training as an optometrist or a dispensing optician (Section 5C(1)).

The Committee shall undertake the functions allocated to it under Parts 2A, 3A and 4 of the Act.

### **Delegated responsibilities**

8.3 N/A

### **Additional responsibilities**

8.4 N/A

### **Composition and Membership**

8.5 The Committee shall be constituted in accordance with the Committee Constitution Rules 2005.

### **Frequency of Meetings**

8.6 The Committee will meet from time to time as necessary

### **Administrative support**

8.6 Administrative support to the Committee shall be provided by the Hearings Manager.

## **PART 9: THE HEARINGS PANEL**

### **Statutory basis**

9.1 Section 5D of the Act

### **Statutory responsibilities**

9.2 The Council shall appoint a panel of persons (“the Hearings Panel”) from whom members of the Fitness to Practise Committee and the Registration Appeals Committee must be selected (Section 5D(1)).

### **Delegated responsibilities**

9.3 N/A

### **Additional responsibilities**

9.4 N/A

### **Composition and Membership**

9.5 The Panel shall be constituted in accordance with the Committee Constitution Rules 2005.

### **Frequency of Meetings**

9.6 The Panel will not meet save for the purposes of receiving training from time to time as necessary.

### **Administrative support**

9.6 Administrative support to the Panel shall be provided by the Hearings Manager.



## **PART 10: THE REMUNERATION COMMITTEE**

### **Statutory basis**

10.1 Section 6 of the Act

### **Statutory responsibilities**

10.2 N/A

### **Delegated responsibilities**

10.3 Under the Scheme of delegation, the Council delegates to the Committee under section 6 the functions indicated in column 3 in Table A of the Scheme of Delegation.

### **Additional responsibilities**

10.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council as to the payment of fees, allowances and expenses under section 5D(3) (payments to Hearings Panel members);
- (2) advise the Council as to the payment of fees and travelling and subsistence allowances under section 13(11) (payments to visitors);
- (3) advise the Council as to the payment of fees, allowances and expenses under section 23D(5) (payments to legal advisers);
- (4) advise the Council as to the payment of fees, allowances and expenses under section 23E(6) (payments to clinical and other advisers);
- (6) advise the Council as to the payment of fees and travelling and subsistence allowances (including the payment of honoraria) under paragraph 11(2)(b) of Schedule 1 (payments to Council members);
- (7) advise the Council as to the level of remuneration to be paid to the Registrar under paragraph 11(2)(c) of Schedule 1;
- (8) advise the Council as to the payments to be made in relation to pensions, gratuities or superannuation schemes to the Registrar under paragraph 11(2)(d) of Schedule 1.

### **Composition and Membership**

10.5 The Committee of 5 members of the Council shall comprise of:

- (1) the Chair of the Council;
- (2) 2 lay members of Council;
- (3) 1 optometrist member of Council;
- (4) 1 dispensing optician member of Council.

### **Administrative Support**

10.6 Administrative Support to the Committee shall be provided by the Director of Human Resources and Organisational Development

## **PART 11: THE AUDIT COMMITTEE**

### **Statutory basis**

11.1 Section 6 of the Act

### **Statutory responsibilities**

11.2 None

### **Delegated responsibilities**

1.3 None

### **Additional responsibilities**

12.4 The Committee shall, in addition to any other responsibilities:

- (1) advise the Council and their Committees as to the conduct of their work and their compliance with the following Council approved documents: Allocation of Roles and Responsibilities, Scheme of Delegation, Standing Orders, Standing Financial Instructions and Code of Conduct;
- (2) review complaints received and dealt with by the Registrar under the Complaints Protocol.
- (3) review the appointment and tenure of external auditors
- (4) advise the Council as to the appointment of external auditors;
- (5) review the financial accounts of the Council
- (6) advise the Council as to the approval of annual accounts
- (7) review the risk management policies of the Council
- (8) advise the Council on any other areas of its work which the Committee believes is part of the role of an audit committee.

### **Composition and Membership**

12.5 The Committee of 3 members of the Council (excluding the Chair of Council) shall comprise of:

- (1) 1 lay member of Council;
- (2) 1 optometrist member of Council;
- (3) 1 dispensing optician member of Council.

The Chair or deputy Chair of any other Committee may sit on Audit Committee but they may not chair it.

### **Frequency of Meetings**

12.6 The Committee shall meet no less than three times a year and shall meet with external auditor at least once a year.

### **Administrative support**

12.6 Administrative support to the Committee shall be provided by the Deputy Registrar.

## **PART 12: COUNCIL STAFF**

### **Statutory basis**

13.1 Schedule 1 to the Act

### **Statutory responsibilities**

13.2 N/A

### **Delegated responsibilities**

13.3 Under the Scheme of delegation, the Council and the Registrar delegate under section 6A the functions indicated in column 3 in Tables A, B, C and D of the Scheme of Delegation.

### **Additional responsibilities**

13.4 Each member of the Council's staff has the additional responsibilities set out in his or her job description.

### **Composition and Membership**

13.5 N/A

### **Administrative support**

13.6 N/A

**THE GENERAL OPTICAL COUNCIL SCHEME OF DELEGATION –  
PART 1**

The Opticians Act (and rules made under the Act) imposes functions upon the Council. These are set out in the following Tables, showing where these have been retained by Council, delegated to a Committee, or delegated to the Registrar.

Where matters have been delegated to a Committee or the Registrar, such matters may be further delegated to a member of the Council's staff or a working group unless this document specifies that this shall not be the case. Notwithstanding any further delegation, the Council will hold to account the Committee or the Registrar for the exercise of those functions where these are delegated to them in this document.

**Table A**

Delegation of functions imposed upon the Council by the Opticians Act 1989

**Table B**

Delegation of functions imposed upon the Council by Rules made under the Opticians Act 1989

**All references to sections or schedules are references to sections of, or schedules to, the Opticians Act.**

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE OPTICIANS ACT 1989**

<b>Section</b>	<b>Function</b>	<b>Delegated to</b>
1(2)	To promote high standards of professional education, conduct and performance among registrants	<i>(retained by Council)</i>
2(2)	To make rules as to the constitution of the Education Committee	<i>(retained by Council)</i>
3(2)	To make rules as to the constitution of the Companies Committee	<i>(retained by Council)</i>
3(3)	To consult on rules as to the constitution of the Companies Committee	Registrar
4(3)	To make rules as to the constitution of the Investigation Committee	<i>(retained by Council)</i>
5(2)	To make rules as to the constitution of the Registration Committee	<i>(retained by Council)</i>
5A(3)/(4)	To make rules as to the constitution of the Registration Appeals Committee	<i>(retained by Council)</i>
5B(2)	To make rules as to the constitution of the Standards Committee	<i>(retained by Council)</i>
5C(3)/(4)	To make rules as to the constitution of the Fitness to Practise Committee	<i>(retained by Council)</i>
5D(1)	To appoint a Hearings Panel	<i>(retained by Council)</i>
5D(2)(b)	To make rules relating to requirements to be satisfied by persons applying for inclusion on the Hearings Panel	<i>(retained by Council)</i>
5D(3)	To determine fees, allowances and expenses to be paid to members of the Hearings Panel and pay such fees, allowances and expenses	<i>(retained by Council)</i>
5D(4)	To consider appropriate training for the members of the Hearings Panel and provide for such training	Registrar
5D(5)	To make rules as to the constitution of the Hearings Panel	<i>(retained by Council)</i>
6(1)	To set up additional committees and determine the membership of such committees in accordance with sections 6(2) and (3)	<i>(retained by Council)</i>
7	To maintain a register of optometrists and a register of dispensing opticians	Registrar
8(1)	To be satisfied of entitlement to register (UK applicants)	Registrar

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE OPTICIANS ACT 1989**

8(1A)	To be satisfied of entitlement to register (EEA applicants)	Registrar
8(2)	To be satisfied of entitlement to register (Non-EEA applicants)	Registrar
8(2A)	To determine additional qualifications to be obtained or tests to be passed (Non-EEA applicants)	Registrar
8(4)	To be satisfied of entitlement to register (Pre 1 June 1961 application)	-
8(5)	To be satisfied of entitlement to register (Post 1 June 1961 / pre 16 February 1990)	-
8(6)	To be satisfied of entitlement to register (Applicants eligible for initial registration)	Registrar
8A(1)	To maintain a register of persons undertaking training as optometrists and a register of persons undertaking training as dispensing opticians	Registrar
8A(3)	To be satisfied of entitlement to register as a student	Registrar
8A(4)	To make rules prescribing particulars to be contained in the registers of students	<i>(retained by Council)</i>
8A(5)	To make rules as to the circumstances in which a student registrant may be removed from a register	<i>(retained by Council)</i>
9(1)	To maintain a register of bodies corporate carrying on the business of an optometrist or a dispensing optician or both	Registrar
9(2)	To be satisfied of entitlement to register as a business registrant	Registrar
10(1)	To make rules regarding the form and keeping of the registers, and making of entries and alteration in them	<i>(retained by Council)</i>
10(1A)	To make rules regarding the registration of specialties	<i>(retained by Council)</i>
10(5)	To make rules regarding communication and storage of documents in electronic form	<i>(retained by Council)</i>
10A(4)	To require evidence of insurance	Registrar
10A(5)	To make rules specifying types and amounts of adequate and appropriate insurance	<i>(retained by Council)</i>
11(1)	To publish the registers	Registrar

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE OPTICIANS ACT 1989**

11A(1)	To make rules providing for a continuing education and training scheme	<i>(retained by Council)</i>
11B(6)	To make rules setting out procedures to be followed before the registrar can refuse to retain a registration or an entry or decide whether to restore a registration or an entry	<i>(retained by Council)</i>
12(1)(a)	To establish competencies to be granted a qualification	<i>(retained by Council)</i>
12(1)(b)	To establish requirements for the content and standard of education and training	<i>(retained by Council)</i>
12(2)(a)	To consult the Standards Committee before establishing competencies to be granted a qualification	<i>(retained by Council)</i>
12(2)(b)	To consult the Education Committee before establishing requirements for the content and standard of education and training	<i>(retained by Council)</i>
12(3)	To publish the competencies and requirements	Registrar
12(5)	To take into account advice received from the Standards and Education Committees and revise the competencies and requirements accordingly	<i>(retained by Council)</i>
12(6)	To provide the competencies and requirements to approved training establishments	Registrar
12(7)	To approve establishments, qualifications and tests of language	<i>(retained by Council)</i>
12(8)	To commission advice on the suitability of the establishment or qualification	<i>(retained by Council)</i>
12(9)	To approve establishments and qualifications which provide only some education and training or qualifications which meet only some of the requirements	<i>(retained by Council)</i>
12(10)	To publish a list of approved establishments and qualifications	Registrar
13(1)	To keep themselves informed as to the instruction at each approved establishment and the assessment which leads to the approved qualification	Education Committee
13(2)	To appoint visitors to visit approved training establishments	Education Committee

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE OPTICIANS ACT 1989**

13(4)	To specify matters to be addressed by visitors	Education Committee
13(5)	To give written notice of intention to withdraw the approval of a training establishment or qualification	Registrar
13(7)	To decide whether to withdraw the approval of a training establishment or qualification	<i>(retained by Council)</i>
13(8)	To give written notice of the decision to withdraw the approval of a training establishment or qualification	Registrar
13(9)	To give written notification of the decision to withdraw partially the approval of a training establishment or qualification	Registrar
13(11)	To determine fees (and travelling and subsistence allowances) to be paid to visitors and pay such fees	<i>(retained by Council)</i>
13A(1)(a)	To provide guidance to individual registrants	<i>(retained by Council)</i>
13A(1)(b)	To keep under review effective arrangements for the protection of the public in relation to individual registrants	Registrar
13A(2)(a)	To provide guidance to business registrants	<i>(retained by Council)</i>
13A(2)(b)	To keep under review effective arrangements for the protection of the public in relation to business registrants	Registrar
13A(3)	To consult before issuing, or amending guidance already issued, under sections 13A(1)(a) and (2)(a)	Registrar
13A(4)	To keep under review guidance issued under sections 13A(1)(a) and (2)(a)	Standards Committee
13B(1)	To require information or documentation from a registrant or third party	Registrar
13B(2)	To require identity of employers or persons about whom allegations have been received	Registrar
13B(3)	To require information to be put into a form not capable of identifying an individual	Registrar
13B(6)	To enforce the requirement to produce information or documentation pursuant to section 13B(1)	Registrar
13C(1)	To disclose the existence of an investigation to persons specified in 13C(2)	Registrar
13C(3)	To disclose, in the public interest, the	Registrar



**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE  
OPTICIANS ACT 1989**

	existence of an investigation to any person	
13E(1)	To make rules delegating functions of the Investigation Committee	<i>(retained by Council)</i>
13H(4)	To make an order amending the level of the maximum financial penalty order	<i>(retained by Council)</i>
13H(5)	To publish an order made under section 13H(4)	Registrar
13H(8)	To recover any sum specified in a financial penalty order by way of enforcement in the civil courts	Registrar
13H(9)	To pay any sum recovered under a financial penalty order to the Department of Health Consolidated Fund	<i>(retained by Council)</i>
13L(6)	To apply to the court for the extension of an interim order	Registrar
23A(2)	To make rules regarding the service of notifications by electronic means	<i>(retained by Council)</i>
23C(1)(a)	To make rules regarding the procedure and rules of evidence of the FPC and RAC	<i>(retained by Council)</i>
23C(1)(b)	To make rules regarding the procedure of the Investigation Committee	<i>(retained by Council)</i>
23C(3)	To make rules regarding the appointment of assessors	<i>(retained by Council)</i>
23D(1)	To appoint legal advisers for the FPC and RAC	<i>(retained by Council)</i>
23D(5)	To determine fees, allowances and expenses to be paid to legal advisers and pay such fees	<i>(retained by Council)</i>
23D(7)	To make rules as to the functions of legal advisers	<i>(retained by Council)</i>
23E(1)(a)	To appoint clinical advisers for the FPC and RAC	<i>(retained by Council)</i>
23E(1)(b)	To appoint other advisers for the FPC and RAC	<i>(retained by Council)</i>
23E(6)	To determine fees, allowances and expenses to be paid to clinical and other advisers and pay such fees	<i>(retained by Council)</i>
23E(8)	To make rules as to the functions of clinical and other advisers	<i>(retained by Council)</i>
24(3)	To make rules as to the testing of sight by persons training as optometrists	<i>(retained by Council)</i>

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE OPTICIANS ACT 1989**

25(3)	To make rules as to the fitting of contact lenses by persons training as optometrists or dispensing opticians	<i>(retained by Council)</i>
27(3C)	To make rules specifying aftercare to be provided following contact lens sales	<i>(retained by Council)</i>
29(1)	To specify the period in which a person may take or use the professional title of a deceased registrant	Registrar
30A(1)	To determine whether the Council is in receipt of evidence sufficient to justify a prosecution	Registrar
31(1)(b)	To make rules prohibiting or regulating the carrying on of practice or business under a name other than a registered name	<i>(retained by Council)</i>
31(1)(c)	To make rules prohibiting or regulating the prescription, sale, supply and administration of drugs	<i>(retained by Council)</i>
31(1)(d)	To make rules prohibiting or regulating the practice of orthoptics	<i>(retained by Council)</i>
31(1)(e)	To make rules prohibiting or regulating the prescription, sale, supply and fitting of contact lenses	<i>(retained by Council)</i>
31(3)	To make rules as to requirements to be met by registrants who wish to prescribe, fit, supply or sell contact lenses	<i>(retained) by Council)</i>
31(5)	To make rules regarding the steps to be taken when it appears to a registrant that a person is suffering from injury or disease of the eye	<i>(retained by Council)</i>
32(1)	To allocate monies received (other than from the payment of financial penalty orders)	In accordance with the Standing Financial Instructions
32(2)	To keep accounts	Registrar
32A(1)	To publish a report on the arrangements in place to ensure good practice in relation to equality and diversity	Registrar
32A(1)	To publish a report indicating the efficiency and effectiveness of FTP procedures and the Council's observations on the report	Registrar
32A(1)	To publish a strategic plan	<i>(retained by Council)</i>
Sch. 1, para 1C	To maintain and publish a register of members' private interests	Registrar
Sch. 1,	To appoint a registrar	<i>(retained by Council)</i>

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE  
OPTICIANS ACT 1989**

para. 10		
Sch. 1, para. 11(1)	To do anything which in their opinion is calculated to facilitate the proper discharge of their functions	<i>(retained by Council)</i>
Sch. 1, para. 11(2)(a)	To appoint such officers and servants as the Council may determine	Registrar
Sch. 1, para. 11(2)(b)	To determine fees (and travelling and subsistence allowances) to be paid to members of the Council or its committees and pay such fees	<i>(retained by Council)</i>
Sch. 1, para. 11(2)(c)	To pay to their officers and servants such remuneration as the Council may determine	Remuneration Committee (for Registrar) Registrar (for all other staff)
Sch. 1, para. 11(2)(d)	To determine to pay to some or all of their officers and servants payments in relation to pensions, gratuities or superannuation schemes	Remuneration Committee (for Registrar) Registrar (for all other staff)
Sch. 1, para. 12	To make Standing Orders	<i>(retained by Council)</i>

**TABLE A: FUNCTIONS IMPOSED UPON THE COUNCIL BY THE  
OPTICIANS ACT 1989**

<b>Registration Rules</b>		
<b>Rule</b>	<b>Function</b>	<b>Delegated to</b>
3(1)	To specify the form of application for registration or restoration	Registrar
4(1)	To specify the form of application for registration or restoration of a specialty	Registrar
18(1)	To specify the form of application for retention	Registrar
<b>Continuing Education and Training Rules</b>		
<b>Rule</b>	<b>Function</b>	<b>Delegated to</b>
5(2)	To specify the form of application to become a listed provider	Registrar
7(2)	To specify the form of application for approval of an event	Registrar
8(2)	To specify the form of application for approval of an event outside the UK	Registrar
11(2)	To specify information to be provided by listed providers	Registrar
18(2)	To specify the form for keeping records by listed providers	Registrar
19(2)	To specify the form for keeping records by the administrator	Registrar
21(2)	To specify the form for notification of points obtained	Registrar
<b>Fitness to Practise Rules</b>		
2(1)	To approve the form of the Hearing Questionnaire	Registrar

**THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL**

*(In force from 2nd April 2009)*

**Standing orders**

Chapter 1	_____	The Council
Chapter 2	_____	Proceedings of the Council
Chapter 3	_____	Committees of the Council
Chapter 4	_____	Proceedings of Committees
Chapter 5	_____	Procedure for the conduct of business
Chapter 6	_____	Glossary

# **THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL**

## **CHAPTER 1: THE COUNCIL**

### **Membership of the Council**

- 1.1 All Council members shall be appointed in accordance with Schedule 1 to the Act.

### **Chair and Deputy Chair**

- 1.2 The Chair of the Council shall be appointed to, and hold, that office under the terms of paragraphs 8 and 9 of The General Optical Council (Constitution Order) 2009.
- 1.3 Deputising arrangements in respect of the Chair, where the Chair is absent from a meeting of the Council, shall be in accordance with paragraph 10 of The General Optical Council (Constitution Order) 2009.

### **The Council Seal**

- 1.4 The Corporate Seal of the Council shall be kept in the custody of the Registrar.
- 1.5 The Seal shall be affixed only at the direction of the Council, and shall be attested by the signatures of:
- (a) two Council members; and
  - (b) the Registrar or other officer of the Council authorised in writing by the Council to act in that behalf.
- 1.6 Any direction by the Council for affixing the Seal shall state the object of its use and shall be entered in the Minutes of the Council.

### **External representation of the Council**

- 1.7 The Council shall be represented externally by the most appropriate person, who may be a Council member, member of the executive staff, committee member, or an adviser. Such an individual will at all times act as a representative of the Council and represent the interests and policies of the Council.
- 1.8 Where a Council member or committee member or adviser attends an event on behalf of, and as a representative of, the Council he or she shall receive the appropriate fees and expenses incurred in so doing.

### **Education and training**

- 1.9 The Council shall make available education and training opportunities for all members of Council relevant to their role as a member of Council. This may be provided by organisations external to the General Optical Council and the Council may require a member to attend within the framework of their expected time commitment.
- 1.10 All Council members are expected to participate fully in the appraisal process for Council members.

### **Provisional Suspension**

- 1.11 The Council shall have the power to provisionally suspend a

## **THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL**

member of Council from office if, by a majority of those present and voting, they resolve to do so at a quorate meeting of the Council, providing that the resolution proposing the provisional suspension will have been circulated to all members before the meeting. Such a provisional suspension will have effect from the point at which the resolution is passed. All provisional suspensions of members must be reported to the Privy Council for consideration of further action under the General Optical Council (Constitution) Order 2009.

- 1.12 Exceptionally, the Chair may provisionally suspend a member with immediate effect by informing the member in writing. Such a provisional suspension will be reported to and considered by the next meeting of the Council. All provisional suspensions of members must be reported to the Privy Council for consideration of further action under the General Optical Council (Constitution) Order 2008.

# THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL

## CHAPTER 2: PROCEEDINGS OF THE COUNCIL

### Frequency of meetings

- 2.1 The Council shall meet at least three times a year on dates to be fixed by the Registrar in consultation with the Chair of the Council.

### Notice of meetings

- 2.2 Except in an emergency, Council members shall be notified of a meeting of the Council not less than fourteen days before the day fixed for the meeting.

- 2.3 If:-

- (a) the Council have not fixed a date for their next meeting or
- (b) it appears necessary to vary the date of the next meeting; or
- (c) it appears necessary to hold an additional meeting in an emergency,

the date of the next meeting of the Council shall be determined at the discretion of the Chair of the Council.

### Quorum of the Council

- 2.4 The quorum of the Council shall be seven Council members, in accordance with paragraph 11 of The General Optical Council (Constitution) Order 2009.

### Record of proceedings

- 2.5 Draft minutes shall be prepared of all meetings of the Council and placed on the members' section of the Council's intranet site.
- 2.6 Proposed amendments to the draft minutes of a meeting should be brought to the notice of the Registrar as soon as possible and no later than the meeting at which the minutes are approved.
- 2.7 The draft minutes of each meeting of the Council shall be embargoed until they have been approved by the Council.
- 2.8 The approved minutes of any meeting of the Council shall be placed on the appropriate section of the Council's website as soon as possible

### Public access

- 2.9 Subject to paragraph 2.10 below, members of the public, including the representatives of the press, shall be admitted to meetings of the Council.
- 2.10 The Council may, by resolution, exclude members of the public from a meeting where their attendance would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for any other specified reason.
- 2.11 The Chair may remove a member of the public from the remainder of the meeting or any part thereof, if, in his or her opinion, that member of the public is frustrating the business of the meeting.



# **THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL**

## **CHAPTER 3: COMMITTEES OF THE COUNCIL**

### **Committee membership**

- 3.1 The Council shall appoint members to each committee.
- 3.2 A Committee member may at any time resign his or her appointment as a member of the committee at any time by notice in writing addressed to the Registrar.
- 3.3 A person appointed to fill a casual vacancy shall hold office until the date upon which the Committee member whose membership he or she has filled would have regularly retired.

### **Chairs / Deputy Chairs of committees**

- 3.4 The Council shall appoint a Chair and Deputy Chair to each committee.
- 3.5 The Chair or Deputy Chair of a committee may resign his or her appointment at any time by notice in writing to the Registrar and shall vacate that office if he or she ceases to be a Committee member.
- 3.6 If the Chair and Deputy Chair of a committee are absent from a meeting of the committee, the committee shall elect one of the Committee members to be the Acting Chair for that meeting.

### **Appointment of advisers**

- 3.7 A committee may appoint up to four persons to act as Advisers to the committee in each year.

### **Notification of advisers to Council**

- 3.8 At the first meeting of the Council in each year, the Registrar shall report to the Council the name of any person appointed or re-appointed as an Adviser to a committee.

### **Attendance of the Chair of the Council**

- 3.9 The Chair of the Council may attend and participate in any meeting of a committee (except the Registration Appeals Committee and the Fitness to Practise Committee). The Chair may nevertheless attend the public sessions of any hearing before the Registration Appeals Committee or the Fitness to Practise Committee.

### **The suspension and removal of Committee Members**

- 3.10 The Council shall have the power to suspend or remove a member of a committee from office if, by a majority of those present and voting, they resolve to do so at a quorate meeting of the Council, providing that the resolution proposing the suspension or removal will have been circulated to all members before the meeting. Such a suspension or removal will have effect from the point at which the resolution is passed.
- 3.11 Exceptionally, the Chair may provisionally suspend a member with immediate effect by informing the member in writing. Such a suspension will be reported to and considered by the next meeting of the Council.

# THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL

## CHAPTER 4: PROCEEDINGS OF COMMITTEES

### Frequency of meetings

- 4.1 Each committee (other than the Registration Appeals Committee and the Fitness to Practise Committee) shall meet in private on dates to be fixed by the Registrar in consultation with the Chair of the committee.

### Notice of meetings

- 4.2 Except in an emergency, Committee members shall be notified of a meeting of the committee not less than fourteen days before the date fixed for the meeting.

- 4.3 If:-

- (a) the committee have not fixed a date for their next meeting or
- (b) it appears necessary to vary the date of the next meeting; or
- (c) it appears necessary to hold an additional meeting in an emergency,

the date of the next meeting of the committee shall be determined at the discretion of the Chair of the committee.

### Quorum of committees

- 4.4 Where the quorum of a committee is not otherwise established by legislation, the quorum of a committee shall be half the number of members of the committee stated in the Allocation of Roles and Responsibilities. Where half the number of members is a fraction of a whole number, the quorum shall be the nearest whole number above that number.

### Record of proceedings

- 4.5 Draft minutes shall be prepared of each meeting of a committee and circulated to the Chair of that committee as soon as possible.
- 4.6 With the approval of the Chair, the draft minutes of each meeting of a committee shall be placed on the members' section of the Council's intranet site.
- 4.7 Committee members should submit proposed amendments of the draft minutes of a meeting to the Chair no later than the next meeting of the committee.
- 4.8 The approved minutes of a meeting of a committee shall be placed on the appropriate section of the Council's website as soon as possible.

# THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL

## CHAPTER 5: PROCEDURE FOR THE CONDUCT OF BUSINESS

### Notice of substantive motions

- 5.1 Notice of a substantive motion shall be given in writing to the Registrar not later than noon on the 21<sup>st</sup> day before the meeting for which it is intended, and state the nature of the matter on which consideration is sought.
- 5.2 Not later than the 14<sup>th</sup> day prior to the meeting, the Registrar shall send to Council members (or, as the case may be, Committee members), notice of a motion submitted in compliance with the requirements of Standing Order 5.1 and shall provide members with all relevant information and, where appropriate, recommendations.
- 5.3 Notice of a proposed amendment to a substantive motion shall be given in writing to the Registrar not later than noon on the 7<sup>th</sup> day before the meeting at which the motion is to be considered, and, where notice has been given in accordance with this Standing Order, the Registrar shall inform the members of the terms of the proposed amendment as soon as possible.
- 5.4 A motion to rescind any resolution passed at the preceding meeting, or seeking the same effect as any motion which was rejected at the preceding meeting, shall not be submitted under Standing Order 5.1.
- 5.5 Motions or amendments not notified to the Registrar in accordance with Standing Order 5.1 may be introduced in the course of a meeting only with the permission of the Chair.

### Procedure for the consideration of substantive motions

- 5.6 When a motion is to be considered at a meeting, the Council member (or, as the case may be, Committee member) introducing the motion (or his or her nominated deputy) shall be invited to move the motion and speak in support of it.
- 5.7 Once the motion has been moved, Council members (or, as the case may be, Committee members) shall be invited to second the motion.
- 5.8 If a motion is not moved and/or seconded, it shall be treated as withdrawn, unless postponed by consent of the Council members (or, as the case may be, Committee members) present.
- 5.9 Where an amendment has been notified under paragraph 5.2 or is introduced under paragraph 5.5, discussion of the substantive motion shall not proceed until the amendment has been considered.
- 5.10 If two or more amendments have been proposed to any motion, the amendments shall be considered in the order in which the Chair, in his or her discretion, deems appropriate for the good conduct of business.
- 5.11 Where an amendment to a motion has been carried, a further amendment may be introduced by a Council member (or, as the case may be, Committee member), with the permission of the Chair.
- 5.12 Any Council member (or, as the case may be, Committee member) may speak and vote for or against the motion or move that it be referred to an appropriate committee of the Council. Advisers or other persons in attendance may speak on the motion but may not vote or move for referral.

# THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL

- 5.13 The Council member (or, as the case may be, Committee member) who moves the substantive motion (or, in the case of an amended motion, the member who moved the amendment) shall have a right to a final reply, immediately after which the question shall be put by the Chair.

## **Procedural motions**

- 5.14 If during the debate upon any motion or amendment a member seeks to introduce a procedural motion “that the question now be put”, the Chair shall decide whether the debate has proceeded long enough to justify the introduction of such a motion.
- 5.15 If the Chair agrees to the introduction of the motion which is then moved and seconded, that motion shall be put to the meeting immediately without discussion.
- 5.16 If the procedural motion “that the question now be put” is carried, the motion or amendment under debate shall be put to the meeting without further discussion except, for the right of the mover to reply to the debate under Standing Order 5.13.
- 5.17 Other procedural motions may be introduced in the course of a meeting with the permission of the Chair.

## **Procedure for voting**

- 5.18 A vote on any motion or amendment may, at the direction of the Chair, be taken either by a show of hands, or, if a motion for the purpose is carried, by a secret ballot of Council members (or, as the case may be, Committee members) present and voting.
- 5.19 In the event of an equal number of votes for and against a motion or amendment, the motion or amendment will be deemed not to have been carried.
- 5.20 The Chair shall declare that the motion or amendment has been carried or has not been carried, as the case may be, and may, if he or she thinks fit, direct that the number of members voting respectively for and against the motion or amendment, or abstaining from voting, shall be entered in the minutes of the meeting.
- 5.21 The names of the Council members (or, as the case may be, Committee members) voting for or against a motion or amendment, or abstaining from voting, shall not be entered in the minutes of the meeting unless a motion for that purpose is carried.
- 5.22 Nothing in these Standing Orders shall be held to require a Council member (or, as the case may be, Committee member) to vote if that member considers that he or she has full and sufficient reason for abstaining from voting.

## **Confidentiality**

- 5.23 Discussions within committees (or working groups) are strictly confidential and should be restricted to the Committee members and Advisers (or, as the case may be, Working Group members) and other persons in attendance at, that committee (or working group).

## **THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL**

- 5.24 Unless marked 'Strictly Confidential', Council papers are to be made available to the public, upon request, following the Council meeting at which the papers are discussed.
- 5.25 Papers marked 'Strictly Confidential' should not be circulated or discussed with any person other than a person who attended, or was eligible to attend, the meeting for which the paper was prepared.
- 5.26 Where a paper is marked 'embargoed until...*time/date*' it may be published once the date and time of the embargo have passed.

### **Conduct during meetings**

- 5.27 If, at any meeting, a Council member (or, as the case may be, Committee member), Adviser or other person in attendance, obstructs business by disorderly conduct or by persistently contravening rulings under these Standing Orders, the Chair shall have power to require him/her to withdraw from the meeting and to exclude him/her from the remainder of the meeting.
- 5.28 Where an issue is raised regarding the existence of a conflict of interest, the person in respect of whom the conflict of interest is believed to exist shall have the opportunity to address the meeting regarding the potential conflict of interest
- 5.29 A person shall withdraw from discussion and determination of an issue where the Chair of the meeting determines that a conflict of interest exists or may be perceived to exist.

### **Disapplication of Standing Orders and discretion of the Chair**

- 5.30 In relation to proceedings at a meeting, any Standing Order may be suspended by resolution of Council members (or, as the case may be, Committee members) present and voting.
- 5.31 The ruling of the Chair as to the construction or application of any of these Standing Orders to any proceedings shall not be challenged.
- 5.32 Except as provided for by these Standing Orders, procedure for the conduct of business shall be within the discretion of the Chair.

# THE STANDING ORDERS OF THE GENERAL OPTICAL COUNCIL

## CHAPTER 6: GLOSSARY

### Definitions

- 6.1 In these Standing Orders, except where the context provides to the contrary:
- “the Act” means the Opticians Act 1989;
  - “Adviser” means any person appointed to advise a committee of the Council, in addition to the Committee members required for the proper constitution of that committee, who is entitled to participate in discussions but is not entitled to vote on any issue under consideration by that committee;
  - “Chair” includes, in provisions relating to the conduct of business at meetings, any person presiding at a meeting;
  - “committee” means any committee of the Council other than the Fitness to Practise Committee and the Registration Appeal Committee;
  - “Committee member” means a person appointed to the committee in question by the Council;
  - “the Council” means the General Optical Council continued under the Act;
  - “Council member” means a person appointed to the Council in accordance with Schedule 1 to the Act;
  - “month” means calendar month;
  - “the Registrar” means the Registrar of the Council appointed under section 1 of the Act and paragraph 10 of Schedule 1 to the Act;
  - “Working Group” means a group set up by the Council or a committee to consider and report to them on a specific issue; and
  - “year” means a calendar year.

## **THE GENERAL OPTICAL COUNCIL**

### **Code of Conduct for Members**

#### **Introduction**

The General Optical Council's main objective is to protect, promote and maintain the health and safety of the public. It follows that public protection is at the heart of the role of Council Members, Hearings Panel Members, Advisors and Visitors, and must at all times underpin their conduct and behaviour.

This Code provides guidance for Members and advisors to assist them in undertaking their duties in accordance with currently accepted standards of public service.

The Council endorses the Seven Principles of Public Life set out by the Nolan Committee (1996):

#### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **Ways of working**

Our values are based on The Better Regulation Commission's criteria for good regulation:

### **Proportionate:**

Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.

*We will identify and target the issues of greatest risk to public safety.*

*We will reduce unnecessary bureaucracy.*

### **Accountable:**

Regulators must be able to justify decisions, and be subject to public scrutiny.

*We will seek, and respond to, the views of stakeholders and partners.*

*We will consider and review the consequences of our actions.*

### **Consistent:**

Government rules and standards must be joined up and implemented fairly.

*We will work in collaboration with UK health regulatory bodies and other partners to develop consistent policies and procedures.*

### **Transparent:**

Regulators should be open, and keep regulations simple and user friendly.

*We will explain and publicise decisions, and make public, wherever possible, Council information, activities and proceedings.*

### **Targeted:**

Regulation should be focused on the problem, and minimise side effects.

*We will ensure that our activity is focused on the areas of greatest risk, or where there is most benefit to public health and safety.*

### **Organisational excellence:**

*We will provide good value for money.*

*We will pursue high standards of customer service.*

*We will ensure that the Council is a good place to work, particularly through developing and training our staff and members.*

*We will promote and develop equality and diversity in all our work.*



## **Corporate responsibilities**

The members of Council together take corporate responsibility for the governance of the organisation and its decisions. The key functions of the Council are:

- Policy and Strategic Direction
- Performance Monitoring
- Financial Stewardship
- Accountability, Communication, and Stakeholder Engagement

## **Individual responsibilities**

Individual Members should follow the Seven Principles of Public Life and comply with this Code of Conduct as follows:

### **Attendance**

Members are expected to attend Council, Council committees, working groups and seminars regularly, to prepare and contribute effectively and to conduct themselves at all times in accordance with the public interest.

### **Confidentiality**

Members are expected to respect the confidentiality of privileged information and only to share documents on public agendas.

### **Expression of views**

Members are expected to distinguish clearly, when speaking or writing, between personal views and those of the GOC. Any communication with the media either of a general nature which may not be specifically related to Council work or policy or more particularly which is about the Council's work or policy, including publication of views via the Internet, should be discussed with the Communications Manager, Chairman or Registrar before a statement is made.

### **Corporate responsibility**

Members contribute to Council decisions and take joint responsibility for them. This does not preclude a Member who disagrees with a decision of a Council committee (Audit Committee or Remuneration Committee) on which they serve from presenting their views to the Council provided that any disagreement has been raised at the meeting and notification has been given to the Committee Chairman and to the Council Chairman. However once a Council decision has been taken each member must support it.

### **Financial or Professional Interests**

Members must declare in the register of interests, any professional, personal or business interests that may conflict, or appear to conflict, with their responsibilities as Council members.

### **Conflicts of Interest**

Members are free to engage in political activities or to maintain associations with professional organisations provided that such activity does not conflict

with the public protection role of the GOC or compromise their position as a Council member. Such outside activities must always be openly declared when a related matter is under discussion.

If a member, or a body corporate for which a member is a responsible officer, is the subject matter of an investigation or proceedings undertaken by the GOC regarding their fitness to practise (or in the case of a body corporate, fitness to undertake business as an optometrist or dispensing optician, or both) the member must contact the Registrar and declare this. The member must make such a declaration immediately they are aware that the GOC has received a complaint or information to initiate an investigation or proceedings. The presumption will be that the member will withdraw from all activities related to Council business until the conclusion of the investigation or proceedings. This is an essential step to protect the GOC from any perception that a conflict of interest may exist which might impact upon the decisions that the GOC takes during the investigation or proceedings. The member must under no circumstances discuss the subject matter of the investigation or proceedings with any other member of Council or member of a GOC committee.

Members may be approached to act as a witness on behalf of a registrant who is to appear before the Fitness to Practise Committee or whose case is to be considered by the Investigation Committee. It is inappropriate for a member to act as an expert witness for any party appearing before the Fitness to Practise Committee, or whose case is to be considered by the Investigation Committee. Members must refuse to accept any such instructions, or resign their position on the Council. Should a member be approached to act as a lay (i.e. non-expert) or *character* witness on behalf of a registrant who is to appear before the Fitness to Practise Committee, this must be immediately declared to the Registrar. Again, the presumption will be that the member will withdraw from all activities related to Council business until the conclusion of the investigation or proceedings. This is also to protect the GOC from any suggestion that the Investigation Committee for Fitness to Practise Committee might be unduly influenced by hearing evidence from an active member or any perception that the Investigation Committee or Fitness to Practise Committee may be biased as a result.

### **Equality and Diversity**

Members must at all times demonstrate respect and dignity for others; a commitment to diversity and equal opportunities; and conduct themselves in a non-discriminatory manner.

### **Gifts and hospitality**

Members must not accept gifts, hospitality or benefits offered as a consequence of GOC business, other than reasonable refreshments. If gifts cannot be refused without causing offence, they should be reported to the Registrar within 15 working days, who will discuss with the Member what action should be taken.

### **Personal behaviour**

Members' behaviour must demonstrate the standards expected of holders of public office. Where a Member has been charged with, or has been convicted

of, a criminal offence, or has been the subject of a disciplinary procedure by any licensing body (including the GOC), the Member must inform the Registrar at the earliest opportunity. The presumption will be that the member will withdraw from all activities related to Council business until the conclusion of the investigation or proceedings.

17 July 2006

Amended April 2009