

GENERAL OPTICAL COUNCIL

**Minutes of the 182nd meeting of the Council held on 18 November 2009 at
41 Harley Street, London W1G 8DJ**

Present: Geoff Harris (in the Chair),
Anna Bradley, Paul Carroll, Brian Coulter, Peter Douglas,
Robert Hogan, Kevin Lewis, Liam Kite, Fiona Peel (by phone
until 12pm), Nicholas Rumney, James Russell

In attendance: Dian Taylor, Kate Fielding, Rosalyn Hayles (until agenda item
10), Linda Kennaugh, Jon Levett, Lesa Oakley, Ami Samra,
Matthew Tait, Maria Claridge, Joan Burrow

Alan Tinger, GOC Consultant

Chair's opening remarks

7003. The Chair welcomed Members and guests to the 182nd meeting of the Council. He explained that it would be a landmark meeting as the budget would be presented and the fees would be proposed from this. He emphasised that the Council members were independently appointed to act in the public's best interest and not as representatives of a particular group. He also recorded his appreciation that the papers to be considered at the meeting were a culmination of a great deal of commitment and hard work in their preparation.

Apologies for absence

7004. Apologies were received from Morag Alexander.

Declarations of interest

7005. 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. Kevin Lewis declared that he was an individual fee paying registrant.

Minutes of the 181st meeting held on 23 September 2009

7006. The Minutes of the meeting held on 23 September 2009 were signed as being a true and fair record of the meeting.

Matters arising from the 181st meeting: for information

7007. The Council received **Paper C(25)09** being an update of the matters arising from the previous meeting and progress on action taken.

ITEMS FOR DISCUSSION AND/OR DECISION

7008. The Chair explained that agenda items six to nine would be taken together and the Registrar confirmed that these were four items which were closely related: the Draft Strategic Plan, the Draft Business Plan and Budget, the Risk Register and the Fees Proposal.

Draft Strategic Plan 2010-15

7009. The Council received **Paper C(26)09** being the draft Strategic Plan for 2010-15. The Registrar explained that the Draft Strategic Plan had been developed over several

months. From April to September the Council had consulted on the GOC's future way of working and had received presentations from stakeholders. In September a strategic planning event had been held and following that a small group of Council members and the Executive met to draft the Strategic Plan. Approval was being sought from Council for further consultation to be held with key stakeholders from November 2009 until 31 January 2010. Following this the Strategic Plan would then be brought back to the Council at its meeting on 25 February 2010 for its approval with implementation from 1 April 2010.

7010. The Registrar advised the Council that the Strategic Plan document starts with a definition of who the GOC is, what it does and how and then goes on to the proposed mission statement: *Our mission is to be recognised as a modern and innovative healthcare regulator.* It then goes on to consider the following three strategic priorities for the next five years and how success in these would look:

- Continue to modernise our core functions and put in place systems for improvement to become more efficient and more effective.
- Develop the regulatory framework to support UK eye-care in delivering safe, high quality care which meets society's needs and expectations.
- Promote a wider understanding of our role and engage stakeholders in our work.

7011. In discussion Members agreed with the mission statement but some felt that it should be more detailed. It was also suggested that the word "effective" should be added. However, it was agreed that the Strategic Plan should be concise and the Business Plan should give the details of how it will be implemented. Another suggestion was that a feedback statement for stakeholders be sent out with the consultation document.

7012. **RESOLVED:**

that the Draft Strategic Plan be sent out for consultation with the points raised first being considered.

Draft Business Plan and Budget for 2010-11

7013. The Council received **Paper C(27)09** being the Draft Business Plan and Budget for 2010-11. The Registrar confirmed that the Business Plan picks up from the Strategic Plan and will be implemented from April 2010. The Business Plan begins with how it has been developed and then continues with the business priorities and the meat of the plan under the strategic priorities. Council was requested to consider the key priorities at this meeting. The Business Plan contained details of the numbers in the budget and a narrative on why items were included in the business priorities for the next year and the key assumptions used to construct the budget. There had been agreement with Council since April that KPIs or project plans would allow Council to judge the Executive's delivery against the Business Plan and Budget.

7014. The Chair noted that this was a consolidation of a considerable amount of work by the Executive on the priorities and it is essential that the Council has the resources to complete all that stakeholders expect of it.

7015. In discussion it was suggested that, before publication, the Business Plan should be more explicit regarding the core work and extra resources needed. It was agreed that there had been underfunding in the past and that it should be ensured that the Council had the resources to carry out its Strategic Plan.

7016. It was noted that the staff costs had been presented differently in 2009-10 and 2010-11 to how they had been presented in 2007-8 and 2008-9. It was suggested that

these costs should be adjusted so that a comparison could be made. It was confirmed by Alan Tinger that this would involve a considerable amount of work.

7017. It was agreed that it was important that stakeholders were aware that the GOC had heard them and taken their comments on board. Also stakeholder engagement should be developed more. It was pointed out that the committees draw advice from different groups and therefore could be considered to be stakeholder reference groups. It was agreed that it should be decided how best to engage stakeholders and use the resources already in place.

7018. It was also noted that FTP must be adequately resourced to deliver now and to be ready for future developments. The Director of Legal and FTP confirmed that it was difficult to gauge the costs involved with the transfer to OHPA. The GOC needs to be involved and therefore staff costs would be incurred in attendance at meetings etc.

7019. **RESOLVED:**

that the Executive's recommendations for the Draft Business Plan and Budget be accepted and that the final versions be brought to the next Council meeting in February.

Risk Register and Risk-based Reserves

7020. The Council received **Paper C(28)09** being an update and recommendation of the Audit Committee. The Chair of the Audit Committee explained that the level of reserves needed to be considered as the basis on which the amount had been agreed in the past was no longer believed to be valid. The Audit Committee recommended that the reserves be kept at the current level until the review had been completed and brought to Council.

7021. **RESOLVED:**

that reserves be kept at the current level until the review had been completed and brought to Council.

Fees Proposal for 2010-11

7022. The Council received **Paper C(29)09** being the outcome of the Registration Fees consultation and recommendations for the fees for 2010-11 and Registration Fees Rules. The Registrar explained that the budget assumptions were that the fees would achieve a break-even budget. This was based on a figure of 18,500 registrants, consisting of 12,500 optometrists and business registrants and 6,000 dispensing opticians of which 1,200 were contact lens opticians. It was also based on there being no change in members' and advisers' fees and expenses.

7023. Matthew Tait, Registration Policy and Projects Officer, presented to the Council the conclusions from the consultation and the recommendations for decision. He explained that the consultation had been held from 17 July to 9 October 2009 and that there had been a total of 85 responses from both registrants and representative organisations. The largest group of registrant responses had been from dispensing opticians. The Officer spoke to the key issues covered in the consultation papers.

Differential fees

7024. It was noted that some of the other regulators have differential fees and that the GOC already has a differential fee for student registrants. Input had been sought for reduced levels of fees for some groups of registrants - dispensing opticians, new registrants and low income earners. The majority of responses to the consultation on this point had been supportive of differential fees and of a reduced fee for dispensing opticians. A small number supported reduced fees for new registrants and low income earners.

7025. It was felt that this would be an incentive for dispensing opticians to retain registration and this would be in the public interest. It would be fairly simple to administer and would mean a relatively low addition to fees for optometrists and business registrants.

7026. The arguments against dispensing opticians paying reduced fees were: that they could be seen as second class citizens; the administration costs would be the same regardless of the amount of the fee and optometrists would not agree.

Staged payments

7027. There was strong support for this however it would be costly to implement and was not included in the budget. It was confirmed that it would require a change to the Rules which would be a lengthy and expensive process.

7028. The recommendation was that this should be considered and a full impact assessment should be carried out.

Online retention

7029. There was strong support for an online retention system to be introduced as soon as possible. A slight majority supported a paper based system to be retained for the foreseeable future for those unable to access an online system. However a large group felt that the paper based system should be phased out. The majority agreed that an admin charge should be made for using the paper based system once the online system was in place.

Non-EEA qualified practitioners

7030. The consultation had sought views on whether the GOC should charge non-EEA qualified practitioners a one off £20 administration fee for registration during the time that they are sitting the UK qualifying exam. The majority were in agreement with this as it would cover the cost of processing.

Specialty registrations

7031. The consultation had sought feedback as to whether registrants registering a specialty should be charged a separate fee to cover the extra costs involved as this was at present borne by all registrants. A small majority felt that a one off fee was justified to cover these extra costs.

7032. The Chair thanked Matthew for his presentation and reminded the Council that they had accepted the budget which meant that a flat fee of £301 was required to break even. If it was decided that a 3% contingency should be added with the flat fee therefore totalling £310. It was recognised that the fees would have to be increased significantly for the second year running in order to catch up with the underinvestment in the past.

7033. The issue of differential payments was discussed and it was suggested that it should be an assisted transition for dispensing opticians and not a division between registrants. It was noted that registration for dispensing opticians offered enhanced professional performance for the protection of the public. It was noted that it was expected that approximately 10% of dispensing opticians would leave the register if there was not a differential fee. It was recognised that dispensing opticians generally earned less than optometrists but it was also noted that some optometrists were also low earners if they were doing post graduate studies or working part time.

7034. It was also suggested that there should be a flat fee and then additions for contact lens opticians, optometrists, therapeutics and businesses but it was agreed that this was something for future investigation. Some members queried the fact that businesses paid the same fee as individuals and felt that, especially the larger companies, should pay more.

7035. The Chair commented that a precedent of differential fees should not be set but rather considered to be a phased process introduced so as not to cause division. Evidence should be developed for the fee structure in the future.

7036. As there had been some disagreement among members the Chair proposed a vote on the main issues to be decided.

7037. The Chair put forward the motion to implement a phased introduction of the increase in fees. A vote, by way of a show of hands, was undertaken and the motion was passed with 7 ayes and 2 nays. The Chair was not required to cast his vote but advised afterwards that he would have voted in favour of the proposal.

RESOLVED:

that there would be a phased introduction of the increase in fees.

7038. A motion concerning the preferred fee rates was then put to Council for decision. Two options were put forward for the vote: option 1 being a £250 fee for Dispensing Opticians (including Contact Lens Opticians)/ £339 For Optometrists and Body Corporates; and option 2: £280 Dispensing Opticians (including Contact Lens Opticians)/£325 For Optometrists and Body Corporates

7041. Option 2 was carried by a vote of 5 ayes to 3 nays, with 1 abstention. The Chair was not required to cast his vote but advised afterwards he would have voted in favour of Option 1.

RESOLVED:

that the Registration fee for 2010-11 be set at £280 for Dispensing Opticians, and £325 for Optometrists and Body Corporates.

7042. The Chair and the Registrar signed the Registration Fees Rules 2010-1011.

7043. The Council was asked to approve the other matters covered in the consultation.

7044. **RESOLVED:**

- (i) that an impact assessment be carried out for staged payments with a delay until 2011-12;**
- (ii) that the paper system be retained for a year after the online retention system was fully functional and that a fee would be charged for a paper submission;**
- (iii) that a £20 admin fee be charged for the non EEA Qualifying exam rather than the £20 student registration fee to ensure that these individuals would not be able to practise under supervision;**
- (iv) that a one-off admin fee of £30 be charged to register a specialty.**

Performance Review

7044. The Council received **Paper C(30)09** being the report to the Council on progress of the 2009-10 Business Plan to date. The Registrar explained that this was the quarterly report of performance on delivery of the Business Plan measured against the KPIs and milestones. She reported that there were no projects marked as 'red' this quarter and invited questions from the Council.

7045. In answer to a query on the handling of the end of the second cycle for CET which was marked as yellow the Registrar reassured the Council that there was no risk to the process.

7046. It was also confirmed that the slight delay in the project for introduction of a scrutiny function for FTP had no cost implications.

7047. Concern was expressed that several FTP projects had been deferred. The Registrar explained that the FTP area was very demanding on the individuals who were there to deliver. Compared to previous years there had been progress in some areas.

7048. The Director of Legal and FTP had started the processes and information needed to be in place in order to progress to the next stages. The Director had been increasingly drawn into discussions on OHPA but it is important for the GOC to be involved. The Director had also been working on the KPIs from November so has had an increased workload. The resources were not available to complete all projects in one year and what could be done had to be phased. It was suggested that maybe the projects had been overoptimistic and only projects which could be completed should be undertaken.

7049. The Registrar confirmed that an extra senior solicitor had been in post for two months but this benefit had not yet been seen. It was confirmed that there was provision in the budget for next year for another person to help with investigations. It was noted that the projects that were being kept were those about which the CHRE had expressed concern.

Financial Position

7050. The Council received **Paper C(31)09** being the Executive's report on the financial position to 30 September 2009. The Registrar explained that variances had been listed in **Annex 2** but these were on track.

7051. In response to a query about the £47,000 surplus for staff employment costs, the Financial Controller explained that this would be used for pensions. There had been a good response to the Pensions Surgery that had been held, with more staff joining the scheme following this. Therefore this amount was still being used for staff costs rather than being banked.

RESOLVED:

that Council accept the report on the financial position to 30 September 2009.

Codes of Conduct

7052. The Council received **Paper C(32)09** being the proposed amendments to the Codes of Conduct. The Director of Standards confirmed that there had been a thorough review of the codes by the Standards Committee and a consultation on the proposals. Some of the amendments had been technical and to bring the codes into line with the other regulators. Other concerns such as whistleblowing had also been included. The Director confirmed the intention that, if approved by the Council, the revised codes would be issued early in the new year with the GOC Bulletin. This would allow a short period for registrants to become familiar with the changes before they came into force on 1 April 2010.

7053. A query was raised as to whether it would put a registrant's registration at risk if they did not comply with the codes. The Director confirmed that it would result in a referral to the FTP process. Although it was noted that cases were not brought to Investigation Committee for breaches of the codes, it was confirmed that cases of theft for example or cheating for students would come under breaches of the codes. In FTP cases the judgements usually referred to breaches of the principles in the codes.

7054. It was noted that the legislation in Scotland was different and that the addition of Scottish partnerships to the business code had been made following legal advice.

7055. It was agreed that the codes would be enhanced by links to other legislation when it was put online.

7056. **RESOLVED:**

that the revised Codes of Conduct be approved for issue to registrants with links to other legislation being added when put on the website.

Whistleblowing

7057. The Council received **Paper C(33)09** and its annex being the joint draft statement on whistleblowing by the health professions regulators. The Director of Standards explained that the statement had been drafted following discussions of the Chief Executives' Steering Group which consists of the Chief Executives of the nine healthcare regulatory bodies. The statement had been prepared by the CHRE and each regulator's Council had been asked to consider it and decide whether to support it.

7058. It was suggested that, in the third paragraph under item 2 one of Annex 1, the last sentence should read "They should **first** exhaust all possible local procedures for expressing concerns."

7059. With this amendment the Council agreed to support the statement.

7060. **RESOLVED:**

that, with the addition of the word "first" as stated in minute 7057, Council support the cross-regulatory statement on whistleblowing.

Education Visits

7061. The Council received **Paper C(34)09** being the recommendations of the Director of Education, supported by the Education Committee, on the publication of Visit Reports and the policy document for Accreditation and Quality Assurance of Education and Training.

7062. Although Liam Kite declared an interest, in that he is employed at Anglia Ruskin University, the Chair advised that he could stay for this item.

7063. It was confirmed that the CHRE had queried why the GOC did not publish its Visit Reports as it was out of line with most other regulators who did. It has now been included as a requirement for the GOC by the CHRE.

7064. The Director of Education had looked into the policies of the other regulators and most publish more than the GOC. A summary of these policies was attached as **Annex 1**. A proposal had been made to Education Committee that issues were dealt with in both open and closed sessions of the Committee with two reports being issued. One report would be complete and the other would be a summary of what was discussed and the conclusions and recommendations. The summary would be published along with the response from the training institution.

7065. The Council felt that the default should be for openness but that some matters would need to be kept confidential. It was agreed that Council would need to be able to demonstrate why something was kept confidential.

7066. It was noted that there could be a request under the Freedom of Information Act if the Council does not agree to publication and this could mean that more would have to be disclosed that it would wish. Freedom of Information advice was attached as **Annex 2**.

7067. **RESOLVED:**

that the recommendation of the Executive, supported by the Education Committee, for Option 1 on publication of Visit Reports be accepted.

7068. The Council received **Annexes 3 and 4** being the Accreditation Policy and Procedure and the Guidance Notes for Visitor Panels when issuing

conditions/recommendations. The Director of Education explained to the Council that it was good practice to have a policy document for GOC Visits. This would provide more guidance, a pro-forma for visit reports and evidence for recommendations. This would mitigate any appeals against the GOC.

7069. **RESOLVED:**

that the accreditation policy and procedure document and visit conditions and recommendations template be approved.

7070. The Council received **Paper C(35)09** being an update on public/patient involvement in the visit process. It was noted that Council had asked, at its meeting in July, what measures were being taken for public/patient involvement in visits. It was confirmed that stakeholder involvement was being built into the process.

Welsh Language Scheme

7071. The Council received **Paper C(36)09** being the proposed GOC Welsh Language Scheme. The Director of Communications and Information confirmed that there had been a consultation on the scheme and that there had been small adjustments made following this. It had been decided that publications aimed at professionals would only be available in English. The revised scheme and the consultation report had been sent to the Welsh Language Board and had been approved on 4 November. Once the Scheme had been approved by the Council it would go back to the Welsh Language Board to be signed off.

7072. **RESOLVED:**

that the GOC Welsh Language Scheme be approved.

ITEMS FOR INFORMATION

Committee Appointments

7073. The Registrar confirmed that there had been a good response to the advertisements and 210 applications had been received. Some had applied for all five committees but it had been decided to put applicants forward for a maximum of two committees.

7074. An independent assessor, Anne Bancroft, who had worked for the Appointments Commission, had been appointed as a consultant to ensure a robust process. Registration Committee interviews had been held on 6 and 12 November and further interviews would be on 3 December. All interviews would be competency based and all applicants had been sent information on this. The shortlisting for the Investigation Committee had been completed and the interviews would be held on 2, 8 and 10 December.

7075. Recommendations would be made to Council on 18 December by teleconference for appointment from 1 January 2010. Interviews for the other committees would be held in January and February 2010 and recommendations would be made to Council at its meeting in February 2010.

7076. The Registrar confirmed that this was on time and on budget and a breakdown would be available for the Council if required.

7077. In response to a query on the cost of £100,000 for this the Registrar explained that a cost of this amount had been estimated in 2007 for the Appointments Commission to carry out the process. This cost would have risen since that time. In response to another query on the cost of the advertising for these appointments it was agreed that the breakdown of the costs would be made available to the Council.

Equality and Diversity Scheme

7078. The Council received **Paper C(37)09** being an update on the Equality and Diversity Action Plan. It was noted that there had been no change in the situation since the last meeting of Council.

Determinations of FTP Hearings

7079. The Council received **Paper C(38)09** and noted the determinations in **Annexes 1 and 2**. Surprise was expressed at some of the outcomes of the hearings and it was questioned as to whether panel members received guidance. It was suggested that Council should discuss this at some future date. It was confirmed that CHRE see all determinations and can review if they consider them to be too lenient. The Registrar confirmed that the GOC had received one or two letters from CHRE with 'points of learning'. If this went any further it could be costly for the GOC. The Director of Legal and FTP was reviewing the other regulators FTP outcomes. There is guidance issued and this would be available for Council to see. When the process goes to OHPA the scrutiny will come from CHRE back to the GOC.

Stakeholder Engagement Activity

7080. The Council received **Paper C(39)09** being information on GOC stakeholder engagement.

Any other business

7081. No further items were raised.

Date and time of next meeting

7082. The next Council meeting will be held at **11:00** on **Thursday 25 February 2010** at the General Optical Council, 41 Harley Street, London W1G 8DJ.