

**GENERAL OPTICAL COUNCIL****Minutes of the 214th Public meeting of Council****held on 13 May 2015 at 12:50pm in the Buckingham Room, De Vere West One,  
9-10 Portland Place, London W1B 1PR**

**Present:** Gareth Hadley (Chair), Paul Carroll (paragraphs 8216 to 8249), Brian Coulter (paragraphs 8216 to 8249), Peter Douglas, Rosie Glazebrook, Rob Hogan (paragraphs 8216 to 8249), Liam Kite, Scott Mackie, Fiona Peel (paragraphs 8216 to 8249), Helen Tilley and Selina Ullah.

**GOC attendees:** Alistair Bridge, Lisa Davis, Nicola Ebdon, Linda Ford (paragraphs 8237 to 8250), Simon Grier, Lisa Harmshaw (taking the minutes), Manori Inzi-Muneer, Josephine Lloyd, Samantha Peters and Keith Watts (paragraphs 8249 to 8253).

**Other attendees:** Penny Bennett (independent member of the Nominations Committee (paragraphs 8216-8249), Gabriella Braun (Working Well, paragraphs 8216-8249) and Jennie Jones and Richard Edwards (representing the Optical Consumer Complaints Service (OCCS), paragraphs 8245 to 8253).

**Public gallery:** Roger Goss (Patient Concern), Jo Mullin (College of Optometrists), Arielle Nylander and Alan Tinger (FODO), David Craig (AOP), Joe Ayling (Optician magazine) and Ryan O'Hare (Optometry Today).

**Welcome**

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8216. The Chair welcomed members to the 214th public meeting of Council. The Chair extended a welcome to Gabriella Braun (from Working Well) and Penny Bennett (independent member of the Nominations Committee) who were both observing the meeting, and to members of the public, who he asked to introduce themselves.

**Apologies**

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8217. Apologies were received from Glenn Tomison.

**Declaration of members' interests**

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8218. There were no declarations of interest.

## **Minutes of the 213th meeting held on 11 February 2015**

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8219. Council **requested** that minute 8205 (fourth and fifth bullet points) be amended to reflect the tone of the discussion as it implied that the purpose of the standards review was to facilitate the framing of charges for FTP cases which was incorrect. The Chair **agreed** that there needed to be a clear distinction between allegations and the standards and **agreed** to amend the wording. Subject to this one amendment, the minutes were **approved** as a true and accurate record of the meeting.

### **Updated Actions – paper C14(15)**

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8220. Council **noted** the progress on the actions in the paper. In relation to action 06(15) (performance report Q3 2014/15 re increase in FTP complaints) Council **noted** that Helen Tilley had agreed to act as Council Champion for the project which would look at the how the GOC could manage complaints more effectively and efficiently.

### **Matters Arising**

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8221. The Director of Strategy advised Council on the progress with the GOC consultation on new standards of practice for fully-qualified optometrists and dispensing opticians and the new standards for students which would close on 7 June 2015. Council **noted** that two days of focus groups had been held at Optrafair and an online survey of registrants would close on 15 May 2015. It was hoped in excess of 2,000 responses would be received. Council **welcomed** the extensive interest shown in the consultation and **acknowledged** that it might take longer for Council to consider the outcome of the consultation given the large numbers of expected responses.
8222. The Chair of Council **advised** that Council, as part of its confidential meeting held in the morning, had agreed to redefine the scope of the standards review going forward in that, while at this stage it would continue to focus on the development and implementation of new standards for individual and business registrants, it would be followed by a new project to review the system of education, training, accreditation and routes to qualification, the details of which would be presented to Council in due course.

### **Chair's report – paper C15(15)**

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8223. Council **received** and **noted** a report from the Chair updating members on his activities since the Council meeting on 11 February 2015. Council **noted** that since the report had been finalised the Chair had also met with:
- Dharmesh Patel (Chair of the Manchester Local Eye Health Network) to gain insight of his understanding of the challenges and view of the developments in NHS commissioning; and

- Cindy Tromans (consultant optometrist at Manchester Royal Eye Hospital and chair of the College of Optometrists' Board).

At both meetings he had been accompanied by the Chief Executive and Registrar, the Director of Strategy and Council member, Selina Ullah.

8224. Council **noted** that the Chair had attended the General Medical Council (GMC) stakeholders' conference on 16 March 2015 on '*creating a culture of openness, safety and compassion*' and **asked** whether there were any learning points for the GOC. The Chair advised that whilst this had added to his own understanding of how other regulators were tackling these issues there were no specific action or learning points relevant to the GOC on this occasion.

#### **Chief Executive and Registrar's report – paper C16(15)**

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8225. Council **received** and **noted** the content of the Chief Executive and Registrar's report. The Chief Executive and Registrar **extended thanks** to the optical press for sending out positive messages regarding the GOC's standards review.
8226. Council **noted** that the Chief Executive and Registrar had attended a seminar at the GMC conference on 16 March 2015 regarding statutory Registers and how their use could assist with openness. Council **noted** that the GOC was keen to use the Register to promote trust and confidence in the professions that it regulated and that the seminar had highlighted how difficult it could be for regulators to use registers for this purpose and that there was a need for further and wider debate about their use.
8227. PSA: consultation on the review of the performance review process  
 Council **noted** that the PSA had launched a consultation on its review of the performance review process. Council **welcomed** the review and **noted** the following proposed changes:
- it was likely to include new standards on risk and how it is managed, and on governance including resourcing;
  - the approach would be more staged and begin with a baseline assessment to enable the PSA to decide whether a regulator needed a more thorough review;
  - reviews would be conducted on a rolling programme, meaning that in future, not all regulators would be reviewed at the same time;
  - an initial audit of registers was likely;
  - a common dataset would be introduced so that all regulators provided information on the same basis (to enable comparison and trend monitoring);
  - there would be an increase and expansion of the information produced on

performance; and

- data would be requested on a quarterly basis, instead of solely at the point of the annual review.

8228. Council **noted** that they would be provided with a copy of the consultation together with plans on how the Executive proposed to respond.

8229. CRM update

Council **requested** an update on the progress of implementing the Customer Relationship Management (CRM) system. Council **noted** that:

- the project consisted of two phases and that phase one had largely been implemented with good progress to date. Council **noted** that the registration team had gone live, that the FTP and legal compliance teams would go live in May 2015 and the hearings team in June 2015;
- active project work would be suspended for a period thereafter while the GOC relocates to Old Bailey. Following relocation, project work would recommence with a view to the teams in respect of all other functions going live by November 2015; and
- phase two of the project would look at embedding documentation processes, the key challenge of which would be the degree in which the GOC wished to link and integrate with other systems such as SAGE reporting. This was likely to take place from March to May 2016.

8230. Council **welcomed** the update on CRM and **agreed** that implementation should be measured and taken forward at a pace the organisation could tolerate.

**GOC office relocation – paper C17(15)**

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8231. Council **received** a paper which updated Council on the progress made on the GOC's relocation to 10 Old Bailey. Council **noted** that:

- the formal announcement had been made on 30 April 2015;
- final furnishings had been selected and layout plans were now available for viewing;
- the fit out would begin on 26 May 2015 and was expected to be finished by 31 July 2015, following which the audio visual equipment and furniture delivery would then take place;
- it was currently expected that the actual move would take place on the weekend of 22 and 23 August 2015;
- once all teams had vacated 41 Harley Street the Facilities Team would clear the premises in order for it to be handed back to the Howard De Walden (HDW) estate;
- an impact assessment had been undertaken with employees. Council **noted** that the exercise had been well received and that generally

employees welcomed the prospect of moving to a fit for purpose working environment; and

- consideration was being given to having an 'open house' to allow stakeholders and others to view the new building, however a date had not yet been arranged and was dependent on the timely completion of the fit out works.

8232. Council **extended thanks** to the Director of Resources for bringing Council's ambitions to relocate to more modern and fit for purpose offices to a reality and to the hard work of the current Council Champion for accommodation (Liam Kite) and former Council Champion (Morag Alexander).

#### **Provisional Outturn for 2014/15 – paper C18(15)**

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8233. Council **received** a paper which provided the quarter four financial report and provisional outturn for the year ended 31 March 2015. Council **noted**:

- that the external auditors were due to undertake an interim visit shortly as preparation for their audit which would begin in the middle of June 2015;
- accounting for the GOC relocation would be reflected on the balance sheet and that this had been discussed and agreed with the external auditors. Council **noted** that the financial statements for 2014/15 would show both the disposal and completion of 41 Harley Street as legally binding contracts had been entered by the year-end; and
- more work would be undertaken on assessing tax liability.

8234. Council **noted** the provisional outturn for the year which showed a surplus of £553k compared to a budget of £159k, a positive variance of £394k and:

- **welcomed** the progress made in budgeting and **acknowledged** that this continued to be work in progress;
- **welcomed** the provision made for tax;
- **requested** that costs for FTP and hearings (and anything associated with this) be presented more clearly, as some costs were expended via reserves so it was not currently transparent what was being spent. The Executive agreed to build this into the briefing they would provide Council on FTP at the June 2015 performance day; and
- **requested** that the costs associated with the Optical Consumer Complaints Service (OCCS) be separated out.

#### **Performance and Management Information Report: quarter four (January to March 2015) – paper C19(15)**

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8235. Council **received** and **noted** the performance report for quarter four, which was the last report for 2014/15 and that:

- annual tracking of performance would be provided to Council as its

performance day in June 2015;

- the challenges as stated in the quarter three report remained, however interim orders and turnover had improved; and
- work to further refine and amend some of the indicators was ongoing.

8236. In relation to Fitness to Practice (FTP), Council:

- **requested** that the Executive review the indicators on the 'dashboard' as there were currently seven indicators in FTP and only one for each of the other areas of work;
- **recognised** that the target of closing FTP cases within 52 weeks was challenging;
- **welcomed** the decision to appoint Helen Tilley as Council Champion for the project which would look at managing FTP complaints more effectively and efficiently and **noted** that a project plan would be presented to Council in July 2015. Council **requested** that the project address the following issues: if there were differences in time taken to dispose of cases depending on who had initiated them (i.e. by a member of the public or by a third party), what caused a complaint to be delayed, where complaints were coming from and how complaints were disposed of;
- **requested** that the Executive give thought to benchmarking FTP performance indicators against those of other healthcare regulators;
- **noted** that Council would receive a briefing on FTP at its performance day in June 2015;
- **requested** that the number of FTP cases as well as percentages be presented in the dashboard.

8237. In relation to Strategy, Council:

- **requested** that the Executive reconsider the indicator for communications as it currently provided little information for Council about the volume and nature of press coverage. Council **noted** that the planned registrant survey would help to provide a better sense of performance in this area; and
- **noted** that the Executive would consider including an indicator for Continuing Education and Training (CET) to take into account operational performance in the future.

8238. In relation to Resources, Council **requested** that consideration be given to including an indicator for registration which focused on accuracy and robustness of the process and quality assurance of decisions in registration.

8239. Council **asked** whether the PSA showed interest in the GOC's performance against its indicators outside of those for FTP and registration. The Executive advised that this was an area where the PSA was in transition, and that once its review of the performance review process was complete, it was likely that

other areas such as risk and governance would come under scrutiny.

**Terms of reference (ToR): Nominations Committee (NomCo),  
Remuneration Committee (RemCo) and Audit and Risk Committee  
(ARC) – paper C20(15)**

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8240. Council **received** a paper which proposed amendments to the terms of reference for NomCo, RemCo and the ARC.
8241. Council **noted** the summary of amendments to the NomCo ToR which included:
- splitting the 'purpose' of the Committee into those areas where NomCo had authority to approve, those where the Committee would act as a Selection Panel, and those where the Committee would make recommendations to Council;
  - clearly articulating that Council retained the authority to approve processes for Council member appointment;
  - separately listing policies and processes relating to appointments, reappointments and related areas of members appraisal, evaluation, induction and training;
  - including a consistent definition of the term "member";
  - removing the separate list of 'duties' of NomCo as these were now clearly defined in the Council and Committee appointments process;
  - removing the role of NomCo in 'making recommendations to Council in relation to suitable candidates for the role of Senior Council Member (SCM), membership of the audit and risk and remuneration committees' because this now rested with Council directly;
  - adding a new purpose to the ToR – "consider and recommend to Council implications (if any) of how the Committees work contributes to Council's ability to fulfil its duties under the Equality Act and other relevant legislation and guidelines", which would make its ToR consistent with those for both ARC and RemCo;
  - amending the definition of 'independent member' to be consistent with the ToR for RemCo;
  - making it clear that the Chair of Council (an ex-officio member of the Committee) was not subject to the rules on appointment of committee members and chairs;
  - updating the ToR to reflect that the Committee would no longer review their TOR on an annual basis (now triennially), but would continue to review their performance annually and report it to Council; and
  - updating the section on 'authority' to ensure consistency with the wording on the Committee's 'purpose'.

8242. Council **noted** the request of RemCo to amend its terms of reference to provide for the Committee to have responsibility for both the performance appraisal system and pay progression of Chief Executive and Registrar and other members of the SMT. Council **noted** that the amendment would not give rise to a change in the reporting lines of other members of the SMT and that they would still account to the Chief Executive and Registrar, who was responsible for their performance management and appraisal within the system approved by RemCo. Council also **noted** two further minor amendments to the ToR which were:

- updating the ToR to reflect that the Committee would no longer review their TOR on an annual basis (now triennially), but would continue to review their performance annually and report it to Council; and
- including a consistent definition of the term “member as used in the NomCo ToR.

8243. Council **noted** one minor amendment to the ARC’s ToR which included updating them to reflect that the Committee would no longer review their TOR on an annual basis (now triennially), but would continue to review their performance annually and report it to Council. Council **noted** that there was no need to amend the TOR with regard to terminology regarding the different definitions of “member” (as had been required for the ToR for NomCo and RemCo) as the Committee did not have a remit in this area

Council **approved** the proposed amendments to the terms of reference for NomCo, RemCo and the ARC as set out in the paper.

#### **External audit fee for the year ended 31 March 2015 – paper C21(15)**

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8244. In accordance with the recommendation of the ARC, Council **approved** the external auditors fee of £12,930 plus VAT for the audit of the 2014/15 accounts.

#### **Public perceptions research**

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8245. Council **welcomed** Rachel Britton and Tori Harris from ComRes who were in attendance to present the findings of the GOC’s public perceptions research. Council **noted**:

- the objectives of the research which were to:
  - conduct robust research into public perceptions and experiences of the optical professions across the UK;
  - understand what the public expects from a regulatory body;
  - use the research to improve as a regulator and help ensure that the GOC fulfils its statutory obligation to protect and promote the public’s health and safety; and

- benchmark public perceptions in order to track how these may change in the future;
- the scope of the research:
  - which began with qualitative scoping involving two focus groups in London, two focus groups in Wales and six in-depth interviews;
  - followed by four cognitive testing interviews to test the integrity of the proposed questionnaire; and
  - telephone interviews involving 2,250 adults with representation across each of the four nations;
- the key findings of the research which were:
  - that respondents' expressed opinions of opticians was largely positive: there was a high satisfaction both with the overall experience and with the purchasing experience and that few had cause to complain;
  - that there was high awareness of the need for regular sight tests, but narrower understanding of the opticians' role (four in five knew that they should visit an optician regularly, but a significant minority had not been in the last 2 years);
  - only a minority associated opticians with eye health and dealing with acute eye problems;
  - the public were largely confident that regulation was effective, most thought opticians were regulated (12% mentioned the GOC unprompted, and 12% of those who couldn't name the GOC unprompted said they had heard of it when prompted) and were confident that regulation worked effectively; and
  - the majority were confident that they could find information about qualifications and complaints.

8246. Council **noted** the overall confidence in and satisfaction with opticians, but this was tempered by a low level of understanding about the full scope and role of an optician. In discussing the issues, Council **considered** that there was a need:

- for the professions to generate a wider understanding about their scope and role which went beyond the sight test, especially the professions should seek to raise awareness of the ability of optometrists to diagnose eye health and other health problems;
- for education providers to ensure that students had the full range of skills to carry out their roles, not just clinical ability. Council **considered** that the ability of the consumer to assess and judge whether they had had excellent care came down to communication and that patient engagement skills (communication and education) were key in ensuring satisfactory patient experiences and also in promoting the professions; and
- for both the GOC and the professions to discuss how best to encourage the public to visit an optician regularly, which in turn might further increase

confidence, as well as potentially driving positive health outcomes for the public.

8247. Council **recognised** that the models for eye care differed amongst the four nations (for example in Scotland all GP surgeries prominently displayed notices in their receptions that a GP would not see a patient with an eye health problem and that patients should visit an optician in the first instance) and that this represented a significant challenge for the professional organisations going forward. Council **suggested** that:
- the public perceptions research be shared with NHS England to inform the ongoing debate. In this respect, Council **requested** that the final report clearly identify any differences across the four nations;
  - there was a need to engage with the chairs of local eye health networks in England;
  - it was not a task for the GOC alone to raise awareness about the role of opticians and optometrists: the professional bodies needed to engage politically in England similar to the work already undertaken in the three other nations; and
  - there was a need to engage with the Royal College of General Practitioners in order to educate GP's more about the role of opticians being best placed to deal with eye health problems.
8248. Council **thanked** ComRes for undertaking the research and **agreed** that the final report (which would be shared with Council in due course) would assist the GOC in its clear aspiration to be an evidence based regulator. Council **noted** the next steps which were to:
- finalise the full report which would show the differences in relation to each of the nations;
  - analyse the implications of the research, for example the GOC roles in tackling and promoting the issues raised and how it could be used to inform the next business and strategic plan; and
  - consider how the report could be shared more widely, for example the Executive advised that Diabetes UK had shown interest in the research and its resultant report.

#### **Optical Consumer Complaints Service (OCCS) – annual report 2014/15 – paper C22(15)**

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8249. Council **welcomed** Jennie Jones and Richard Edwards who were in attendance from Nockolds Solicitors, the providers of the OCCS. Council **noted** the key messages from 2014/15 which were:
- that the transition to the new service run by Nockolds since April 2014 had gone smoothly and that there was continued engagement with the GOC Fitness to Practice (FTP) team in order to support work flows and discuss

where a mediated response might be more proportionate;

- 622 enquiries had been received;
- over 4000 calls were made and received (in comparison to 777 recorded for 2013/14);
- 25 per cent of those who contacted the OCCS had been provided with details by their practitioner: this demonstrated generally good engagement between practitioners and patients;
- over 50 per cent of those who contacted the OCCS did so online;
- 98 per cent of all enquiries received during the year had been resolved;
- 50 per cent of the complaints received were in relation to concerns about the quality of service or product received;
- there was no significant variations in the nature of complaints from across the four nations;
- 93 per cent of those who had used the services of the OCCS had said they were completely satisfied with the process; and
- 100 per cent of enquiries had been concluded within 90 days.

8250. Council **noted** the key areas of focus in 2015/16 which were:

- sharing insight and information via continuing education and training (CET) and feedback to businesses and professional bodies. Council **noted** that the majority of complaints occurred as a result of the breakdown of the relationship between optician/optometrist and patient due to poor communication and lack of trust. The OCCS advised that they would focus on those issues which had been frequently advised to them as triggers for complaints such as learning to identify relationships which might be complex, re-emphasising certain elements of the test or dispensing (such as varifocal tolerance), improvements to record keeping and using language which patients would understand;
- providing guidance to Trading Standards and the Citizens Advice Bureau (CAB) on the role of the OCCS;
- increased activity amongst the four nations which would include attendance at the NI Optometric Association (to run workshops); attendance in Scotland for Eye Care 2015 and SCLOSS; attendance at Optometry Wales and in England at the LOC and NOAA. Scott Mackie also **suggested** that the OCCS visit Optometry Scotland as well; and
- preparation of a response (by 7 June 2015) to the consultation on new practice standards and the Code of Conduct including implementation and training.

8251. Council **extended thanks** to Nockolds for delivering a highly-effective service during 2014/15 and welcomed the findings in their annual report, in particular Council:

- **considered** that the activity undertaken to 're-launch' the service had

clearly generated interest and whilst this could not definitively be correlated within an increase in activity it was a signal that the reach of the service was increasing;

- **welcomed** the complainant diversity data in the report and the intention of the OCCS to raise its profile amongst the various groups;
- **welcomed** the feedback provided to practitioners regarding learning from complaints and **suggested** that this feedback be extended to complainants in order for them to understand how their complaint had been learnt from;
- **agreed** that more resource needed to be put into signposting people to the right place for making their complaint and that delays made complaints harder to resolve;
- **welcomed** Nockolds' intention to continue to work closely with the GOC to ensure complaints were considered by the OCCS wherever possible and **agreed** with the OCCS suggestion of including FAQ's on the GOC and OCCS websites to help patients direct their complaints appropriately;
- **welcomed** the positive and productive relationship between the GOC and Nockolds which had vastly increased the amount of shared learning opportunities; and
- **noted** the Executive's contentment with the OCCS key areas of focus in 2015/16.

#### **Any other business**

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8252. There being no other business, the meeting closed at 16:50.

#### **Date and time of next meeting**

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8253. The next public meeting of Council would be held on **Wednesday 29 July 2015** at the De Vere West One, 9-10 Portland Place, London W1B 1PR. The time of the meeting was to be confirmed.