

## COUNCIL

### Standards for Optical Businesses – consultation feedback and next steps

**Meeting:** 14 November 2018

**Status:** for discussion

**Lead responsibility:** Alistair Bridge,  
Director of Strategy

**Council Champion:** Mike Galvin

**Project Director:** Marcus Dye, Head of  
Standards & CET

**Project manager/paper author:** Natalie  
Heppenstall, Standards Manager

**Project Board:** SMT

**Project team members:** Angharad Jones, Kayleigh Allen, Simon Grier, Nicole  
Fitzgerald, Robert Mannall

#### Purpose

1. To provide Council with feedback about the recent public consultation on draft *Standards for Optical Businesses* and outline the planned next steps.

#### Recommendations

2. Council is asked to:
  - **discuss** the consultation feedback presented at the meeting; and
  - **note** the planned next steps we will take prior to asking Council to approve the final version of the *Standards for Optical Businesses* (hereafter 'business standards') in February 2019.

#### Strategic objective

3. The business standards project falls under the 'Targeted approach to regulation' strategic objective in the GOC's Strategic Plan 2017-2020.

#### Risks

4. The key risks, following consultation, are as follows:
  - without engagement, some key stakeholders may not accept the new version of business standards as a proportionate regulatory intervention;
  - lack of awareness of business standards;
  - inability of businesses to apply the business standards in practice; and
  - the risk of not all optical businesses being required to meet the standards under current legislation and, as such, the absence of a level playing field between businesses when it comes to patient care.

5. The first three risks above are mitigated by a targeted approach to stakeholder engagement to ensure concerns are heard, perspectives are better understood, and this feedback is taken into account in drafting the standards.
6. The fourth risk we intend to publicise the benefits of registration as part of our implementation programme. As requested by Council previously, we have also highlighted with the Department of Health and Social Care the importance of reforming the system of business regulation, but do not yet have a clear sense of when it will be possible to achieve the necessary legislative change.

## Background

---

7. We are developing new *Standards for Optical Businesses* to replace the existing [Code of Conduct for business registrants](#) and complement the existing *Standards of Practice* and *Standards for Optical Students* published in April 2016. The current *Code* is inadequate as it fails to make the GOC's expectations clear; consists only of high-level bullet points and is out-of-date.
8. Our aim in producing the *Standards* is to effect positive behavioural change within the optical professions for the benefit of patients and the public.
9. We publicly consulted on draft *Standards* from 14 June 2018 until 30 August 2018 through our consultation hub, Citizen Space. The consultation received 351 responses via the Citizen Space hub, and seven offline responses. This was more than expected based on the number of responses to similar consultations in the past and we are pleased with the response rate.
10. In addition, Pye Tait Consulting were appointed by the GOC to undertake qualitative research and undertake analysis and reporting of all consultation data. They will present a summary of their findings at this meeting.

## Analysis

---

11. Overall, reception of draft *Standards* was positive, with 79% of respondents agreeing that the GOC's expectations of optical businesses are clear and 88% stating that the *Standards* are clear and easy to understand for registrants.
12. Most individual registrants, businesses and professional associations were broadly supportive, with a frequent comment being that they reflect 'what businesses do anyway', but the draft business standards were poorly received by a small number of businesses and professional associations.
13. The most common issue raised amongst registrants was in relation to detailed wording, although there were differing views on whether the wording was too specific or insufficiently so. Other issues raised included the definition of the

word 'staff' (i.e. queries as to whom the document applies); lack of knowledge as to how the business standards would be used as part of the Fitness to Practise process; and incorporating further information on breaching confidentiality. We intend to address these issues in producing the final version of the business standards.

14. Some wider issues raised (i.e. desire for compulsory registration of all optical businesses, including UK and non-UK online businesses; misunderstanding of regulatory role) cannot be so easily managed and we will need to provide supporting communications to registrants to explain our position on these matters.
15. As the draft was poorly received by a very small number of stakeholder groups, we are engaging with these groups directly to try to understand their motivations better. We are also considering feedback from 29% of respondents who said that there may be barriers to implementation and are seeking to remedy this as we amend and clarify the *Standards*. A full impact assessment will be completed once we have revised the business standards in the light of the consultation feedback.
16. We were also able to gain a valuable patient perspective as part of the consultation, both via the online survey and through qualitative work. 93% of patients expected that all optical businesses would have to meet the same standards in order to provide care to them and in addition, when asked which aspects of the services of an optical business they considered to be most important, they stated 'modern and up-to-date technology' (71%) and 'staff talk to me in a way I understand' (69%).
17. In terms of next steps, we have set up a task and finish group comprised of a sub-group of Standards Committee members which will provide a view on potential amendments to the draft business standards in light of feedback received from stakeholders. The task and finish group will be chaired by Professor Deborah Bowman and will have an advisory role only.
18. We will return to Council in February 2019 with a final version of the business standards, accompanied by detail of how the feedback has been incorporated or not, and why. We will also include an impact assessment and implementation plan. The implementation plan will include a campaign in the optical press; comprehensive training for GOC staff and Fitness to Practise Committees; publication of digital tools (including videos and interactive exercises) to assist registrants in understanding and implementing the *Standards*; and the potential commissioning of *Standards*-specific CET.

19. Provided that the final version of the business standards and the implementation plan are approved by Council in February 2019, we will publish the *Standards for Optical Businesses* in April 2019, with a programme of implementation activities before they come into force in July 2019.

### Impacts

---

20. The following implications have been identified:
- Reserves, Human Rights Act and sustainability – none foreseen.
  - Budget – consultation work was budgeted for in the 2017-18 budget. Additional resources (as set out below at 20.4) have been planned into the three-year forecast.
  - Legislation – need to take account of the legislation affecting both the registration of optical businesses and the requirements on providing NHS services under the GOS contract, including differences across the nations of the UK. We are also seeking legislative change as previously mentioned.
  - Resources – the team is now fully staffed for completing the initial phase of developing the Business Standards for publication. Additional staff will be required on a short-term basis to assist with the implementation phase of the project.
  - Equality, diversity and inclusion (EDI) – a full impact assessment will be conducted and presented as part of the paper to Council in February 2019.

### Devolved nations

---

21. Businesses may operate under different legislative regimes within the different nations of the UK, and this has been taken into consideration as part of the drafting process. The differences in implementation of the *Standards* will also be taken into consideration when developing supporting materials to assist registrants.

### Communications

---

22. As part of the consultation, we sought feedback from respondents about ease of use of the Citizen Space platform. Over 75% of respondents found using the platform to be easy or very easy to use, which is encouraging and may have led to the higher than expected response rate.
23. We are looking to access a similarly broad range of stakeholders as we did via the survey throughout the implementation phase of the project when the standards are published. The two key aims will be to raise awareness of the standards and to assist in application to registrants' business or practice. We will develop a specific communications plan for this phase.

24. The consultation report will be available on the GOC website and following the Council meeting in February, we will upload a summary of action we have taken to the Citizen Space hub ('We Asked, You Said, We Did'). Respondents will automatically receive a link to this.

### Timeline for future work

---

25. The timeline for future work is as follows:

Consultation report discussed at Council	14 November 2018
Amendments to Standards and further engagement with stakeholders as appropriate	November 2018-January 2019
Direction of travel discussed at Companies Committee	29 November 2018
Intended final business standards to Standards Committee	22 January 2019
Intended final business standards to Council for approval	13 February 2019
Publication of final Standards	April 2019
Implementation programme and training of staff and committees	April onwards
Standards come into effect	July 2019

### Attachments

---

None