

COUNCIL

Review of the Scheme of Delegation

Meeting: 29 July 2015

Status: For decision

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Purpose

1. This paper presents changes to Part One of the GOC's Scheme of Delegation (SoD) following its review by the Audit and Risk Committee (ARC) in June 2015.

Recommendation

2. Council is asked to **consider** and **approve** the proposed changes to Part One of the SoD as attached at **Annex One** and to **note** that the Chief Executive and Registrar will subsequently agree changes to Part Two.

Strategic Objective

3. An initial review of the SoD forms part of the Governance work programme in our 2015/16 business plan, specifically the governance framework – developing and embedding governance policies and processes. This work supports our strategic objective to deliver organisational change – building a sustainable and modern organisation.
4. In Part 1 6A. (1) of the Opticians Act 1989 states that Council may delegate to any Committee of the Council, other than a committee set up under the Act, or to any officer or employee of the Council, any of the functions exercisable by the Council, except the power to make rules; and any functions expressly conferred by the Act on other committees. Any function delegated to a Committee or other officer of the Council may be further delegated by the Committee or officer to an employee of the Council except to the extent that the Council limits or prohibits its further delegation. The Registrar may delegate any function, whether assigned under this Act or by the Council, to any employee of the Council. The delegation of a function shall not prevent the exercise of the function by the body or person by whom the delegation is made.
5. Council has the authority to agree changes to Part One of the SoD and the Audit and Risk Committee (ARC) has a role in reviewing the adequacy of and changes to the Scheme of Delegation (Part One) to ensure it is effective and consistent with Council's view. The ARC will provide assurance to Council as to

the appropriateness and robustness of Scheme before recommending its approval by Council.

Risks

6. The GOC must ensure that it is operating consistently within its legislation and Rules. A robust and up to date SoD will assist Council and the Executive in discharging their responsibilities properly and therefore avoid the risk of making or delegating decisions beyond its authority.
7. The changes made to Part Two of the SoD will mean that training for those employees affected by the changes will need to be arranged prior to the changes coming to effect as individuals will need to understand the relevant legislation that specifies the scope of our powers, duties and constraints that will inform their decision-making.

Background

Current Scheme of Delegation

8. Currently the SoD is derived from the Opticians Act and any Rules made under the Act relating to our regulatory functions and is formatted following the order of the Act and Rules. The GOC SoD is currently split into two parts – Part One and Part Two.
9. Part One contains functions imposed on Council by the Opticians Act (Table A) and by Rules made under the Act (Table B). The tables show the functions retained by Council and those which Council had decided to delegate to the Registrar or to a committee. Notwithstanding any further delegation, Council will hold to account the Committee or the Registrar for the exercise of those functions where these are delegated to them in Part One. Part One was last reviewed in 2009 and is published on the GOC website¹.
10. Part Two contains functions imposed on the Registrar by the Opticians Act (Table A), by Rules made under the Act (Table B) and by Council (delegated in Part One, Table C). Part Two shows the functions retained by the Registrar and those which the Registrar had decided to delegate to other members of the Executive. Part Two was last updated by the Fitness to Practise (FTP) Team in April 2014 in light of the changes brought about by the introduction of case examiners. It is the responsibility of the Chief Executive and Registrar agree changes to Part Two and it is not published on the GOC website.

Purpose of a Scheme of Delegation

¹ https://www.optical.org/en/about_us/our-governance/index.cfm

11. Once a charity reaches a certain size it is not possible for its Board of trustees, no matter how efficient, to have hands-on involvement in every area of the charity's business; and even if that were possible such an approach would be extremely poor practice. An effective Board controls the business strategically but delegates day to day operational responsibility to executive management. However there are a number of matters which are legally required to be decided by the Board, or which should be so decided in the interests of the organisation. It is therefore key for a Board to be clear on what matters it reserves to itself.
12. A SoD is usually one document which defines the list of matters reserved for the Board and outlines the responsibilities that have been placed on the Chief Executive by the board. It is usually based on the key responsibilities of the Board as set out in its memorandum and articles and other key pieces of legislation which impose responsibilities on the organisation.
13. The SoD should set down the authority delegated by the Board of Trustees of the charity to its Chief Executive. It supplements the job description for the Chief Executive and addresses a number of areas more specific to delegation to facilitate fully accountable, effective and efficient management of the charity. It usually states that subject to the limits and conditions outlined within the SoD, the Chief Executive is authorised to commit the charity to incur expenditure within the approved annual budget plan and to manage the proper use of the operational, budgetary, property, staffing and other resources of the charity. It usually states that the Chief Executive may, for the efficient management and proper operation of the charity, delegate at their sole discretion any of the individual responsibilities contained within the SoD to other employees. This further delegation of responsibilities does not release the Chief Executive from overall responsibility to the Board.

Scope of the Review

14. The Governance Team reviewed the current SoD Parts One and Two as it had been some time (2009) since a proper review had been undertaken and the Chief Executive and Registrar wished the scheme to fully reflect the key decisions being made across the organisation.
15. In order to ensure that the scheme is up to date, the Governance Team has:
 - 15.1. reviewed Part One and amended any delegations which have changed since 2009, for example where Council has decided (following a review of terms of reference) to delegate a function to a Committee;
 - 15.2. identified a list of functions imposed on the Council's committees in Part One (Table C) and a list of functions delegated by Council as set out in the terms of reference for its committees, namely the Audit and Risk Committee (ARC), Nominations Committee (NomCo) and Remuneration Committee (RemCo) – in Part One (Table D) to ensure transparency;

- 15.3. reviewed Part Two to amend job titles to reflect the revised internal structure;
- 15.4. included additional delegations in Part Two where the Registrar has delegated a function to another employee to include a Director (so that in their absence the Director is able to make the decision and it does not fall back to the Registrar);
- 15.5. conducted a review of Part One and Part Two against the Opticians Act and the Rules to make sure that the scheme is accurate and contains enough description to be clear on the meaning of each delegation; and
- 15.6. asked Heads and Managers of the Regulatory teams to review whether the delegations in Part Two are accurate.

Analysis

Review of Part One

16. Tracked changes have been made to Part One (annex one) arising from the initial review. In addition a list of functions imposed on Council's committees by the Act has been included in a new Table C and functions delegated by Council to its Committees has been identified as set out in the respective terms of reference and included in a new Table D.
17. The ARC considered the proposed amendments to Part One at their meeting on 30 June 2015 and as a result of the discussion the following action has been taken:
 - 17.1. the wording of the delegations at 13A(1)(a) and (b) have been checked against the Act and the SoD now fully represents the correct wording. Council are asked to note that when these delegations were checked it was also noticed that the wording in relation to the delegations at 13A(2) (a) and (b) were also incorrect and has now been amended;
 - 17.2. the wording of the delegations in Table C have been checked and amended as per at the Act;
 - 17.3. Table D has been amended to also include those items retained by Council. Council is asked to note that when this table was updated it was also noticed that a number of delegations already given to the non-statutory committees (but mainly in relation to the ARC) had not been included. This table has now been fully updated; and
 - 17.4. all references to the 'Disciplinary Committee' have been amended to the 'Fitness to Practise Committee' to ensure consistency of language;
18. The ARC considered the delegations and made no proposals to Council at this time where further functions might be delegated.

Review of Part Two

19. The SMT and ARC have considered a number of suggested changes to Part Two following the review, however recognise it cannot be finalised until Council has agreed Part One. As Council does not have a role in approving Part Two it is not presented for consideration. However, if Council wishes to see this part of the Scheme it can be circulated to Council once it has been finalised by the Chief Executive and Registrar.

Future format of the Scheme

20. The current format of the scheme means that Table C in Part Two is duplicated – containing all those delegations made in Part One to the Registrar. This reduces transparency and makes the scheme difficult to follow. The SMT have agreed that once both parts of the scheme have been agreed – they will be merged into one working document, ordered under each regulatory and support functions, which will enable each function to be listed once with clarity of how far down the delegation has been made. This will make the scheme much easier for employees to search.
21. The scheme of delegation Parts One and Two will still be kept as separate formal documents for review and publication purposes.

Impacts

22. There are no implications on the GOC's reserves, budget, equality and diversity and human rights in relation to this paper.
23. Enabling the Registrar to delegate some functions to other members of the Executive will free up her time, however it will place an additional burden on other members of the Executive. However we do not currently foresee that this will be burdensome as in practice those making the decisions remain the same in the majority of cases. Those members of SMT who have acquired delegated responsibilities as a result of the changes proposed to will now be required to undertake decisions in the absence of the relevant regulatory head and therefore require training.
24. Legislation – all relevant legislation will need to be reviewed as part of the full review of the scheme of delegation in 2015/16.

Devolved Nations

25. There are no direct implications in relation to the devolved nations arising from this paper or its annexes. Any legislation which differs across the nations will need to be taken into account in the full review. Consideration should be given to publishing the scheme of delegation in Welsh once it has been fully reviewed.

Communications

26. For transparency, once the changes are approved by Council Part One will be published on the GOC website.

Timeline for future work

27. A full review of the SoD will take some time and is partly reliant upon the outcome of the project to develop a quality assurance framework for the regulatory functions which is currently anticipated to begin in 2016/17.
28. Therefore a full review of the SoD has been included in the Governance Team work plan for 2016/17, to coincide with the output of the quality assurance framework and it is intended that the review will encompass the items identified as follows:
- 28.1. a review of all legislation governing the GOC – for example the Charities Act, Data Protection Act etc and incorporation of the key responsibilities of Council into the scheme;
 - 28.2. a review of best practice relating to matters which should be reserved for a Board, so that Council can agree what should be reserved for itself and what should be delegated down;
 - 28.3. a review of all of the decisions being made in relation to regulatory functions, so these can be incorporated; and
 - 28.4. a review of how the scheme is used to make it user friendly and transparent, considering for example whether delegations below Registrar are required.

Attachments

- Annex 1: Scheme of Delegation – Part 1 – tracked

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.

Part 2 of the Scheme of Delegation outlines those functions delegated by the Registrar or committees to a member of the Council's staff or a working group.

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

Section	Function	Delegated to
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 <u>(IC)</u>	<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 <u>(RAC)</u>	<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 <u>(FTPC)</u>	<i>(retained by Council)</i>
5D(1)	To appoint a Hearings Panel	<u>Nominations Committee</u> <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 <u>and</u> , allowances and expenses to be paid to members of the Hearings Panel and pay such fees <u>and</u> , allowances and expenses	<i>(retained by Council)</i>
<u>5D(3)</u>	<u>To determine expenses to be paid to members of the Hearings Panel and pay such expenses</u>	<u>Remuneration Committee</u>
5D(4)	To consider appropriate training for the members of the Hearings Panel and provide for such training	<u>Nominations Committee</u> 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>

Section	Function	Delegated to
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
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>
8B(1)	To make rules relating to the establishment and maintenance a register of visiting optometrists from relevant European States	(retained by Council)
8B(1)	To establish and maintain a register of visiting optometrists from relevant European States	Registrar
9(1)	To make rules prescribing particulars to be contained in the registers of bodies corporate	(retained by Council)
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>

TABLE B: FUNCTIONS IMPOSED UPON THE COUNCIL BY RULES

Section	Function	Delegated to
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 a registered optometrist or registered dispensing optician to supply evidence of adequate and appropriate insurance evidence of insurance evidence of insurance for registration	Registrar
10A(5)	To make rules specifying types and amounts of adequate and appropriate insurance considered to be adequate and appropriate for registration	<i>(retained by Council)</i>
11(1)	To publish the registers	Registrar
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 education and training 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 education and training competencies and requirements to approved training establishments	Registrar
12(7)	To approve establishments, qualifications and tests of English language	<i>(retained by Council)</i>

Section	Function	Delegated to
12(8)	To commission advice on the suitability of the establishment or qualification <u>outside the UK</u>	<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
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 <u>or partial approval</u> of a training establishment or qualification	Registrar
13(9)	To <u>decide whether</u> give written notification of the decision to withdraw partially the approval of a training establishment or qualification	<i>(retained by Council)</i> Registrar
13(11)	To determine fees (and travelling and subsistence allowances) to be paid to visitors and <u>to pay</u> such fees	<i>(retained by Council)</i>
<u>13(11)</u>	<u>To determine expenses to be paid to visitors and pay such expenses</u>	<u>Remuneration Committee</u>
13A(1) (a)	To provide guidance to individual registrants <u>To provide guidance for registered optometrists, registered dispensing opticians and student registrants, on matters relating to fitness to practise or, in the case of a student registrant, fitness to undertake training, and in particular on the standards of conduct and performance expected of them</u>	<i>(retained by Council)</i>
<u>13A(1)</u> <u>(b)</u>	<u>To establish effective arrangements for the protection of the public in relation to individual registrants to protect members of the public from registered optometrists, registered dispensing opticians and student registrants whose fitness to</u>	<i>(retained by Council)</i>

Section	Function	Delegated to
	<u>practise or, in the case of a student registrant, fitness to undertake training, is impaired</u>	
13A(1) (b)	To keep under review effective arrangements <u>to protect members of the public from registered optometrists, registered dispensing opticians and student registrants whose fitness to practise or, in the case of a student registrant, fitness to undertake training, is impaired</u> for the protection of the public in relation to individual registrants	Registrar
13A(2) (a)	To provide guidance to business registrants to <u>provide guidance to business registrants on matters relating to fitness to carry on business as an optometrist or a dispensing optician or both, and in particular on the standards of conduct and performance expected of such registrants in carrying on that business</u>	<i>(retained by Council)</i>
<u>13A(2)</u> (b)	<u>To establish effective arrangements to protect the public from business registrants whose fitness to carry on business as an optometrist or a dispensing optician or both is impaired</u> for the protection of the public in relation to business registrants	<u><i>(retained by Council)</i></u>
13A(2) (b)	To keep under review effective arrangements <u>to protect the public from business registrants whose fitness to carry on business as an optometrist or a dispensing optician or both is impaired</u> 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 <u>the</u> employers or of 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 existence of an investigation to any person	Registrar

Section	Function	Delegated to
13E(1)	To make rules delegating functions of the IC	<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 a financial penalty 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 IC	<i>(retained by Council)</i>
23C(3)	To make rules regarding the appointment of assessors for the FTPC and RAC	<i>(retained by Council)</i>
23D(1)	To appoint legal advisers for the FPC and RAC	Registrar <i>(retained by Council)</i>
23D(5)	To determine fees, allowances and expenses to be paid to legal advisers for the FTPC and RAC and pay such fees	<i>(retained by Council)</i> Registrar
23D(7)	To make rules as to the functions of legal advisers for the FTPC and RAC	<i>(retained by Council)</i>
23E(1) (a)	To appoint clinical advisers for the FPC and RAC	Nominations Committee <i>(retained by Council)</i>
23E(1) (b)	To appoint other advisers for the FPC and RAC	Registrar <i>(retained by Council)</i>
23E(6)	To determine fees, allowances and expenses to be paid to clinical and other advisers for the FTPC and RAC and pay such fees	<i>(retained by Council)</i> Registrar
23E(8)	To make rules as to the functions of clinical and other specialist advisers appointed to the FTPC and RAC	<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>
27(3C)	To make rules specifying aftercare to be provided following contact lens sales	<i>(retained by Council)</i>

Section	Function	Delegated to
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>
29(1)	To specify the period in which <u>certain a persons</u> may take or use the professional title of a deceased registrant <u>for the purpose of carrying on business or practice</u>	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 or 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 Registrar
32(2)	To keep accounts	Registrar
32A(1) (a)	To publish a report on the arrangements in place to ensure good practice in relation to equality and diversity	Registrar
32A(1) (b)	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 <u>establish and maintain a system of declaration of interests</u> and publish a register of members' private interests	Registrar
Sch. 1, para. 10	To appoint a registrar	<i>(retained by Council)</i>

Section	Function	Delegated to
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>
<u>Sch. 1, para. 11(2)(b)</u>	<u>To determine travelling and subsistence allowances to be paid to members of the Council or its committees and pay such travelling and subsistence allowances</u>	<u>Remuneration Committee</u>
Sch. 1, para. 11(2)(c)	To pay to their officers and servants such remuneration as the Council may determine	Remuneration Committee (for Registrar and SMT) <u>Registrar (for all other staff) retained by Council (for the Chief Executive and Registrar and the other members of the Senior Management Team²)</u> <u>Registrar (for all other employees)</u>
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	<u>retained by Council (for the Chief Executive and Registrar and the other members of the Senior Management Team³)</u> Registrar (for all other staff employees) Remuneration Committee (for Registrar and SMT) Registrar (for all other staff)
Sch. 1, para. 12	To make Standing Orders	<i>(retained by Council)</i>

² includes the Director of Strategy, the Director of Resources and the Director of Fitness to Practice

³ includes the Director of Strategy, the Director of Resources and the Director of Fitness to Practice

Registration Rules		
Rule	Function	Delegated to
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
Continuing Education and Training Rules		
Rule	Function	Delegated to
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 by a listed provider	Registrar
8(2)	To specify the form of application for approval of a CET 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
Fitness to Practise Rules		
2(1)	To approve the form of the Hearing Questionnaire	Registrar

TABLE C: FUNCTIONS IMPOSED UPON THE STATUTORY COMMITTEES BY THE OPTICIANS ACT 1989

Section	Function	Delegated to
Part 1 2(1)	Advice and assistance to Council on all matters relating to optical training, education and assessment	Education Committee
Part 1 3(1)	Advice and assistance to Council on all matters relating to business registrants other than matters required by the Opticians Act to be referred to the IC, the RAC or the FTPC	Companies Committee
Part 1 4(a)	Investigation of any allegation that a registered optometrist's or a registered dispensing optician's fitness to practise is impaired	Investigating Committee
Part 1 4(b)	Investigation of any allegation that a registered optometrist's or a registered dispensing optician's fitness to practise is impaired	Investigating Committee
Part 1 4(c)	Investigation of any allegation that a student registrant's fitness to undertake training as an optometrist or dispensing optician is impaired	Investigating Committee
Part 1 4(3)	To decide whether a disciplinary case ought to be referred to the FTPC to be dealt with by them in accordance with the following provisions of the Opticians Act	Investigating Committee
Part 1 5(1)	Advice and assistance to Council on matters relating to registration, other than matters required by the Opticians Act to be considered by the Registration Appeals Committee	Registration Committee
Part 1 5A (1)	Hearing and determining appeals against any decision of the Registrar refusing to enter the name of an individual or body corporate in, or restore it to, the appropriate Register	Registration Appeals Committee
Part 1 5B (1)	Advice and assistance to Council on matters relating to the standards of conduct and performance expected of registrants or those seeking admission to the Register	Standards Committee
Part 1 5C (1) (a)	Inquiring into and determining allegations relating to the fitness of registered optometrists or registered dispensing opticians to practise	FTP Committee

Section	Function	Delegated to
Part 1 5C (1) (b)	Inquiring into and determining allegations relating to the fitness of business registrants to carry on business as an optometrist or registered dispensing optician or both	FTP Committee
Part 1 5C (1) (c)	Inquiring into and determining allegations relating to the fitness of students registrants to undertake training as an optometrist dispensing optician	FTP Committee

TABLE D: FUNCTIONS DELEGATED UPON THE COMMITTEES BY COUNCIL

Appointments, reappointments, extensions, disqualifications and removals		
Section	Function	Delegated to
1.2 (Nomco TOR)	Carry out appointment processes (in line with the Council and Committee appointments process)	Nominations Committee (acting as a Selection panel)
1.2 (Nomco TOR)	Appoint candidates to fill member vacancies (excluding Council members) as and when they arise	Nominations Committee (acting as a Selection panel)
1.1.1 (Nomco TOR)	Approval of the Council and Committee appointment process (which includes the process for reappointment)	Nominations Committee
1.1.2 (ARC TOR)	Advise Council on the appointment, reappointment and removal of the external auditors, the planned activity and results of internal and external audits as well as the adequacy of the Executive's response to issues identified by audit activity, proposals for tendering external audit services and for the purchase of non- audit services from contractors who provide non-audit services	Audit and Risk Committee
1.1.2 (ARC TOR)	Appoint, reappoint and remove the external auditors	retained by Council
1.1.5 (Nomco TOR)	Approval of plans for member appointments (excluding Council members) as specified in the Council and committee appointment process (including the timetable for appointments, role description, selection criteria and members of selection panels)	Nominations Committee
1.1.6 (Nomco TOR)	Approval of the re-appointment of members (excluding Council members) in line with the Council and committee appointment process	Nominations Committee
1.1.7 (Nomco TOR)	Approval of member (excluding Council members) extensions and emergency appointments	Nominations Committee

Appointments, reappointments, extensions, disqualifications and removals		
Section	Function	Delegated to
1.1.8 (Nomco TOR)	Approval of matters relating to the continuation in office of any member (excluding Council members) including the disqualification, suspension and removal from office	Nominations Committee
1.2.4 (Remco TOR)	Approve the selection criteria, selecting, appointing and setting the terms of reference for any remuneration consultants who advise the Committee, taking into account any relevant GOC policies.	Remuneration Committee
1.3.1 (Nomco TOR)	Approval of plans for Council member appointments as specified in the Council and committee appointment process (including the timetable for appointments, role description, selection criteria and members of selection panels)	retained by Council
1.3.2 (Nomco TOR)	The re-appointment of Council members (in line with the Council and committee appointment process) prior to recommendation to the Privy Council	retained by Council
1.3.3 (NomCo TOR)	Council member extensions and emergency appointments	retained by Council
1.3.4 (NomCo TOR)	Matters relating to the continuation in office of any Council Member including the disqualification, suspension and removal from office of the Chair and Council members	retained by Council
2.1 (ARC TOR)	Approve the appointment, reappointment and removal of the external provider of the internal audit function	Audit and Risk Committee
2.2 and 3.2 (ARC TOR)	Oversee the selection process for an external provider to provide an internal audit function and for an external audit provider	Audit and Risk Committee
2.2 and 3.3 (ARC TOR)	Investigate and advise Council what action is required if the external provider of the internal audit function or the external auditor resigns	Audit and Risk Committee

Training, Development, Evaluation and Appraisal		
Section	Function	Delegated to
1.1.2 (NomCo TOR)	Approval of the Council and committee appraisal process	Nominations Committee
1.1.3 (NomCo TOR)	Approval of the annual process for Council evaluation	Nominations Committee
1.1.4 (NomCo TOR)	Approval of plans for member ⁴ development (including induction and training)	Nominations Committee
1.2.1 (RemCo TOR)	Approve the process of appraisal for the Chief Executive and Registrar and other members of the Senior Management Team ⁵	Remuneration Committee
2.3 and 3.4 (ARC TOR)	Monitor and review the effectiveness of the internal audit and external audit functions	Audit and Risk Committee

Remuneration, fees, allowances and expenses		
Section	Function	Delegated to
1.1.1 (RemCo TOR)	The payment of fees to members ⁶	retained by Council
1.1.2 (RemCo TOR)	The level of remuneration and payments to be made in relation to pensions, gratuities or superannuation schemes to the Senior Management Team ⁷	retained by Council
1.1.3 (RemCo TOR)	Provide assurance that there are adequate processes in place to determine executive remuneration, reward and performance management which are in line with the GOC's values and principles	Remuneration Committee

⁴ Members are individuals who work with the GOC who are neither employees nor contractors (as defined by their contract with us).

⁵ The Senior Management Team includes the Chief Executive and Registrar, the Director of Strategy, the Director of Resources and the Director of Fitness to Practice.

⁶ Members are individuals who work with the GOC who are neither employees nor contractors (as defined by their contract with us).

⁷ The Senior Management Team includes the Chief Executive and Registrar, the Director of Strategy, the Director of Resources and the Director of Fitness to Practice.

Remuneration, fees, allowances and expenses		
Section	Function	Delegated to
1.2.2 (RemCo TOR)	Approve the policies on Travel, Accommodation & Subsistence and Witness Expense Claims (the 'expenses policy')	Remuneration Committee
1.2.3(d) (ARC TOR)	Approve the Credit Card (use of) policy	Audit and Risk Committee
3.6 (ARC TOR)	Approve the external auditors remuneration	retained by Council

Accounting, annual report, financial delegation, contracts and policies		
Section	Function	Delegated to
1.1.1 (ARC TOR)	Advise Council on the accounts/financial statements and the annual report of the organisation, including the process for review of the accounts prior to submission for audit, the level of error identified, accounting policies and managements letter of representation to the external auditors and advise whether the financial statements are fair, balanced and understandable to assess performance	Audit and Risk Committee
1.2.3	Approve the relevant sections of the annual report in relation to Council members remuneration and expenses ensuring that they meet best practice requirements	Remuneration Committee
1.2.3(a) (ARC TOR)	Approve the Accounting policies	Audit and Risk Committee
1.2.3(b) (ARC TOR)	Approve the Scheme of Financial Delegation	Audit and Risk Committee
1.2.3(c) (ARC TOR)	Approve the Contracts and Procurement policy	Audit and Risk Committee
1.5 (ARC TOR)	Approve the Financial Regulations	retained by Council
1.5 (ARC TOR)	Approve the Reserves policy	retained by Council
1.5 (ARC TOR)	Approve the Investment policy	retained by Council

Accounting, annual report, financial delegation, contracts and policies		
Section	Function	Delegated to
5.5 (ARC TOR)	Approve the statements to be included in the annual report concerning internal controls and risk management	Audit and Risk Committee
4.3 (ARC TOR)	Approve the Code of Conduct	retained by Council
4.3 (ARC TOR)	Approve the Gifts and Hospitality policy	retained by Council
4.3 (ARC TOR)	Approve the management of interests policy	retained by Council
4.3 (ARC TOR)	Approve the Scheme of Delegation (Part One)	retained by Council
4.3 (ARC TOR)	Approve the Freedom of Information policy	retained by Council
4.3 (ARC TOR)	Approve the Data Protection policy	retained by Council
4.3 (ARC TOR)	Approve the Whistleblowing policy	retained by Council

External and internal audit		
Section	Function	Delegated to
2.4 (ARC TOR)	Approve the remit of the internal audit function and it ensure it has adequate resources and appropriate access to information to enable it to perform effectively	Audit and Risk Committee
2.5 (ARC TOR)	Review and assess the internal audit plan	Audit and Risk Committee
2.6 and 3.9	Ensure co-ordination of activity between the internal and external auditors	Audit and Risk Committee
2.7 (ARC TOR)	Review reports from the internal auditor	Audit and Risk Committee
2.7 (ARC TOR)	Review and monitor the Executive's response to the findings and recommendations of the internal auditor	Audit and Risk Committee

External and internal audit		
Section	Function	Delegated to
2.9 and 3.14 (ARC TOR)	Ensure that the head of internal audit and the head of external audit has direct access to the Chair of Council and the Audit and Risk Committee	Audit and Risk Committee
3.5 (ARC TOR)	Approve the remit of the external audit function and it ensure it has adequate resources and appropriate access to information to enable it to perform effectively	Audit and Risk Committee
3.6 (ARC TOR)	Approve the terms of engagement with the external audit provider, including the content of any engagement letter issued at the start of each audit and the scope of the audit	Audit and Risk Committee
3.7 (ARC TOR)	Approve the external audit annual plan and ensure consistency with the scope of the audit engagement	Audit and Risk Committee
3.11 (ARC TOR)	Review the findings of the external audit with the external auditors which will include (but is not limited to) a discussion of any major issues which arose during the audit, any accounting and audit judgements, levels of error identified during the audit and the effectiveness of the audit	Audit and Risk Committee
3.12 (ARC TOR)	Review any representation letter(s) requested by the external auditors before they are signed by the Executive and/or Council	Audit and Risk Committee
3.15 (ARC TOR)	Review the external audit on 'decisions of the IC and the FTPC' and highlight any learning points or areas of concern to Council	Audit and Risk Committee

Risk management, business continuity and insurance		
Section	Function	Delegated to
1.1.3 (ARC TOR)	Advise Council on the organisation's overall risk appetite, tolerance and strategy, current risk exposures, the Executive's response to changes in risks and the organisations capability to identify and manage new risks	Audit and Risk Committee
1.1.4 (ARC TOR)	Advise Council on assurances relating to the management of risk, corporate governance and charity governance requirements of the organisation	Audit and Risk Committee

Risk management, business continuity and insurance		
Section	Function	Delegated to
1.2.3E (ARC TOR)	Approve the Business Continuity Plan	Audit and Risk Committee
5.3 (ARC TOR)	Review reports on any material breaches of risk limits and the adequacy of proposed action	Audit and Risk Committee
5.4 (ARC TOR)	Review the organisation's risk assessment processes and obtain assurance from the internal auditors that the arrangements in place are effective	Audit and Risk Committee
5.6 (ARC TOR)	Review the adequacy and effectiveness of internal financial controls and internal control and risk management systems	Audit and Risk Committee
5.7 (ARC TOR)	Approve the setup of the risk management function and ensure it is able to perform its function effectively and in accordance with relevant professional standards	Audit and Risk Committee
5.8 (ARC TOR)	Review promptly any reports on changes to the GOC's risk profile from the Director of Resources and review and monitor the Executive's response to findings from such reports	Audit and Risk Committee
5.9 (ARC TOR)	Review the organisation's insurance cover to ensure that it is appropriate, relevant and best value	Audit and Risk Committee
5.10 (ARC TOR)	Approve the risk management strategy and policy (inc. how to complete the risk registers)	retained by Council
5.10 (ARC TOR)	Approve the anti-bribery, money laundering, fraud, theft and corruption policy (inc. the public statement)	retained by Council

Complaints		
Section	Function	Delegated to
1.2.2 (ARC TOR)	Review complaints (under the GOC's complaints policy) in the event that a complainant is not satisfied with the Registrar's response	Audit and Risk Committee
4.3 (ARC TOR)	Approve the following complaints policies: corporate, Chair, Members, Advisers and non-executive recruitment	retained by Council

Equality and Diversity		
Section	Function	Delegated to
1.1.4 (Remco TOR)	Advise Council on the implications (if any) of how the Committee's work contributes to Council's ability to fulfil its duties under the Equality Act and other relevant legislation and guidelines	Remuneration Committee
1.1.6 (ARC TOR)	Advise Council on the implications (if any) of how the Committee's work contributes to Council's ability to fulfil its duties under the Equality Act and other relevant legislation and guidelines	Audit and Risk Committee
1.3.5 (Nomce TOR)	Advise Council on the implications (if any) of how the Committee's work contributes to Council's ability to fulfil its duties under the Equality Act and other relevant legislation and guidelines	Nominations Committee