

GENERAL OPTICAL COUNCIL

Minutes of the 173rd Meeting of Council held on 19 May 2008

Chandos House, London

Present: Mrs R Varley (in the Chair),
Ms M Alexander, Professor R S Anderson, Dr N Andrew,
Miss R E Bailey, Mrs J S Brower, Mr D Cartwright, Mr K
Cavaye, Miss K S Devlin, Mr I Hamer, Dr G Harris, Mr S
Heatherington, Mr. R Hogan, Dr P M Kyle, Mr K P Lewis,
Ms G Morgan, Mr D W Pyle, Dr S T Roxburgh, Mr J
Russell, Mr A Sadiq, Professor M Salmon, Professor A
Tomlinson, Miss J Underwood, Mr C Wass, Ms S Wild

In Attendance: Mr P C Coe, Ms K Fielding, Mr P J Grey, Mr P J Ireland,
Mr J Levett, Ms L Oakley, Mrs J D Taylor, Ms N Uddin.

Chairman's Opening Remarks

6562. The Chairman welcomed everyone to this additional Council meeting and thanked them for giving their time to attend.

Apologies for Absence

6563. Apologies for absence were received from Ms M Black, Mr D Cameron, Mr B Carroll and Mr. N Rumney.

Declarations of Interest

6564. 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. The Chairman declared her continued role as interim Chairman of CHRE.

Confidentiality

6564. The Chairman reminded Members that this was a meeting held in public and not covered by any requirement for confidentiality.

Minutes of the 172nd Meeting held on 13 March 2008

6565. The Minutes of the last meeting held in Belfast on 13 March 2008 were approved as being a true and fair record of the meeting subject to a correction in the numbering of points; a change to Minute No.6535 to amend the date to December 2008 and Minute No. 5447 which should have stated 'training' not raining.

6566. A copy of the letter from the Chairman to the president of the Royal College of Ophthalmologists was tabled at the meeting as the copy circulated with the minutes was an earlier draft.

MATTERS ARISING: FOR INFORMATION

Civil Standard of Proof in Fitness to Practise Hearings

6567. Members noted the timing of the legislation to implement the civil standard of proof into all GOC Fitness to Practise hearings. This was dependent on when the Health and Social Care Bill received Royal Assent, which the Department of Health hoped would happen in July 2008. If this timetable was achieved, the provisions of the Bill could be expected to come into effect late October or early November 2008 and all subsequent FTP hearings would be subject to the civil standard of proof.

6568. If the Bill did not receive Royal Assent in July, it would most likely be delayed until October 2008 after the summer recess. This would delay implementation of the civil standard of proof until at least January 2009. The Department of Health was expected to put the detail as to when the civil standard would apply in Commencement Orders which would follow on after Royal Assent of the Bill.

6569. The Council had a statutory obligation to consult on changes to its Fitness to Practise Rules. In order to meet the Department's more stringent procedures on consultations, it would be necessary to issue a consultation on the proposed rule changes which would last for two months, and then conduct a second, shorter consultation of one month on the draft statutory instrument that would introduce the changes.

6570. Members received an update on progress on the establishment of the Office of the Health Professions Adjudicator (OHPA) through the work of the Tackling Concerns Nationally Working Group. Concern was expressed that the GOC had no firm date when it might manage its transition into OHPA. There was concern over the risks such uncertainty posed for Council in planning its resources and making the transition from the present arrangements to the new adjudication body. It was agreed to raise this matter with senior civil servants as soon as possible.

ITEMS FOR DISCUSSION AND/OR DECISION

White Paper Update for Discussion and Issues Requiring Decision

Approaches to the Statutory Requirement for Stakeholder Involvement

6571. Members had a detailed discussion on how Council could meet and demonstrate its new statutory requirement for effective engagement with key stakeholders in its decision making processes. It considered an options appraisal of the different means of achieving this which recognised that methods currently used may need further development.

6572. Presently, Council used both advisers to its Committees and formal written consultations as the means by which it has sought expert opinion in its work. Members agreed to undertake further work around suggested approaches to different types of stakeholder reference groups.

The Statutory Status and Constitution of GOC's Committees

6573. At its meeting in November 2007, Council decided that Investigation Committee, Registration Committee and Education Committee should be retained as statutory committees under its proposed new Board-like Council. Earlier this year, Standards Committee and Companies Committee were invited to consider whether, under the new arrangements, they should be retained as statutory committees.

6574. Standards Committee recommended it should be retained as a statutory committee and Companies Committee recommended it should be retained as a standing but non-statutory committee of Council. Members discussed both these positions in detail, and

RESOLVED:

6575. That Standards Committee should be retained as a statutory committee of Council, and

RESOLVED:

6576. That Companies Committee should be retained as a standing, but non-statutory committee of Council.

6577. Members agreed that the new Council should fully engage with employers as a sector to ensure it was properly informed from the employers' perspective in its decision making.

Size and Composition of Statutory Committees

6578. Members considered a paper on the size and composition of each of the statutory committees under the new Council based on discussions held at each of the committees earlier in the year. These discussions had resulted in a disparity in the size and composition across committees.

6579. Members agreed that for consistency Council should establish a minimum configuration in its Rules which would apply to each of its committees. Thereafter each committee could then seek to appoint further members as and when necessary.

RESOLVED:

6580. That the Education Committee be composed of a minimum of three non-registrant members, three optometrist members, two dispensing members and one registered medical practitioner.

RESOLVED:

6581. That the Investigation Committee be composed of a minimum of three non-registrant members, three optometrists, two dispensing opticians and one registered medical practitioner.

RESOLVED:

6582. That the Registration Committee be composed of a minimum of two non-registrant members, two optometrists, two dispensing opticians and one person from a registered corporate body.

RESOLVED:

6583. That Standards Committee be composed of a minimum of three non-registrant members, three optometrists, two dispensing opticians and one registered medical practitioner.

Quorum

6584. Members considered a recommendation on the proposed quorum for each of the statutory committees.

RESOLVED:

6585. That the quorum for Education, Investigation and Standards Committees' be five members including one non-registrant member, one optometrist and one dispensing optician.

6586. That the quorum for Registration Committee be three members including one non-registrant member, one optometrist and one dispensing optician.

Chairman

6587. In their meetings earlier this year, the committees were asked to come to a view as to whether each statutory committee should continue to elect it's chairman, or whether the new Council should appoint a chairman to each committee. Each committee came to the same conclusion that this was not a matter for the present Council to decide and so there were no recommendations from the committees on this issue.

Terms of Office

6588. All committees decided that this was not a decision for this Council to make but a decision to be left to the new Council to decide.

Disqualification

6589. Members had received a draft of the Constitution Order for Council which contained provisions for the disqualification and removal from office as a member of Council. Members were asked to consider whether similar provisions should apply for membership of committees and members had considered this point in their earlier discussions about the constitution of Council.

6590. The general view was that this was a matter on which the new Council should make a recommendation, except Investigation Committee, which felt the provisions would be appropriate for members of Investigation Committee.

6591. Members agreed that it was entirely appropriate that the provisions for disqualification, suspension or termination proposed for Council members in the draft Constitution Order should apply equally to committee membership.

Consultation

6592. Under present legislation, Council was only statutorily obliged to consult with stakeholders on changes to the rules for the constitution of Companies Committee. However, Council considered whether a consultation document should be prepared for its stakeholders that set out the proposed changes on the recommendations reached during the meeting. It was agreed to raise these issues at a stakeholder meeting planned for July 2008 and not to issue a consultation document.

GOC Draft Constitution Order

6593. Members received a copy of the first draft Constitution Order for the GOC, on which they would have an opportunity to comment on any additional matters now, and again on the formal Department of Health consultation which was expected to be available in the summer.

6594. Some Members had questioned the formula to be used for time served as a Council member, which was a maximum of eight years in any period of eleven years. The Department intended that any time served was backdated to 1 April 2005. This meant that any member who had served on the current Council for four years could only be on the new Council for one further term.

6595. It was agreed that if the quorum of Council were to be seven members, this should consist of both non-registrant and registrant members. It was agreed to make the quorum consist of at least two non-registrants, two optometrists and one dispensing optician.

6596. The terms of service and remuneration of new Members would be discussed at the next Project Board meeting to be held on 4 June 2008 and considered and agreed at the next Council meeting on 3 July 2008.

Other Business

Equality and Diversity Training

6597. It was noted that GOC staff and the Fitness to Practise Panel had recently undergone equality and diversity training. The date of 2 July 2008 was proposed for Members who were available that afternoon prior to the 50th anniversary dinner. A further date would be circulated for those members who were not able to make this date due to existing commitments.

Date and Time of Next Meeting

6598. The next Council meeting will be held at 10:30am on **Thursday 3 July 2008** at **Chandos House, London**.