

**GENERAL OPTICAL COUNCIL****Minutes of the 215th Public meeting of Council held on Wednesday 29 July 2015 at 13:15 in the Oxford Room, De Vere West One, 9-10 Portland Place, London, W1B****1PR**

- Present:** Gareth Hadley (Chair), Paul Carroll (paragraphs 8254 to 8265), Brian Coulter, Peter Douglas, Rosie Glazebrook, Rob Hogan (paragraphs 8254 to 8286), Liam Kite (paragraphs 8254 to 8280), Scott Mackie, Helen Tilley and Glenn Tomison.
- GOC attendees:** Alistair Bridge, Marie Bunby, Amarinder Cooner, Lisa Davis, Marcus Dye, Nicola Ebdon, Linda Ford, Kiran Gill, Paul Johnston (minutes), Josephine Lloyd, Meera Patel, Samantha Peters and Jenna Quinn.
- Other attendees:** Helen Dearden (independent member of the Audit and Risk Committee and Remuneration Committee (ARC)), Monique Rotik (Collaborate Research) and Richard Edwards (member of the Companies Committee).

The Chair of Council changed the order of items on the agenda. The minutes reflect the order in which items were discussed.

**Welcome**

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8254. The Chair welcomed members, GOC employees and members of the public to the 215th public meeting of Council. The Chair extended a particular welcome to Helen Dearden and Paul Johnston.

**Apologies**

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8255. Apologies were received from Fiona Peel and Selina Ullah.

**Declaration of members' interests**

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8256. There were no declarations of interest.

**Standards strategic review: new standards of practice – paper C26(15)**

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8257. Council **considered** a paper, which included an update on the current standards strategic review, feedback from the recent consultation on the draft new standards of practice for optometrists and dispensing opticians, and standards for optical students, and how the GOC proposed to revise the standards in light of such feedback. Council was **asked** to approve the

associated documentation including the revised standards of practice for optometrists and dispensing opticians and revised standards for optical students, agree that the revised standards should come into effect on 1 April 2016 and agree the approach to implementation.

8258. Council **noted** that there had been extensive feedback through the public consultation undertaken on the draft revised standards, and that the Executive had made considerable effort to consider and incorporate the feedback received. The extent of consultation responses served to ensure that findings were reliable and robust. In shaping the standards, it had been important to recognise the need for flexibility, given the varieties of scope of practice and varied settings in which registrants operated and the four-nation perspective. In respect of businesses, the GOC proposed to revise its Code of Conduct to refer to the new standards of practice for optometrists and dispensing opticians and the new standards for students, before developing new business standards that would be consistent with the revised standards for individual registrants.
8259. Council **noted** that the consultation exercise had also been a valuable exercise in terms of promoting awareness of the role of the GOC, the work of GOC registrants and in respect of shaping the implementation plan and communications strategy, particularly in relation to where additional guidance was required.
8260. In discussion on the draft revised standards, the following points were **noted**:
- there was a longstanding trend that had moved the role of healthcare professionals away from a checklist approach to care toward educating and informing patients; and the revised standards were aimed toward providing professionals with greater autonomy and responsibility in the care that they delivered. In that respect, the revised standards were aligned with good practice and took into account external expectations around the role of registrants in protecting the public;
  - the comprehensiveness of the consultation exercise, the efforts made by the Executive to be responsive to feedback received, and the assurance provided in the paperwork on how issues identified through the consultation had been addressed were welcomed;
  - a significant concern had been raised through the consultation on the achievability of some of the standards. To address this, the revised standards put a particular onus on registrants to take responsibility for the areas in which they held direct responsibility and to take reasonable steps to raise concerns appropriately in areas where they did not have direct responsibility, depending on the employment setting;
  - the Standards Committee had discussed the proposed revised standards. The majority of standards would be relevant to registrants employed in

businesses whether registered or unregistered, but the proposed changes to the Code of Conduct for business registrants would also serve to support the aims of the standards; and

- the Executive were confident that concerns raised during the consultation had been considered and that the revised standards were achievable.

8261. In discussion on the application of the revised student standards to registrants undertaking education and training, the following points were **noted**:

- it was important that students were aware of the revised standards for fully qualified registrants, as well as the standards for students so they understood the standards which will apply once they qualify. The standards had been designed to enable students to monitor how their education enabled them to meet registrant standards in terms of developing the professional judgement and behaviours required of registrants; and
- a wider review of education and training was scheduled to take place, which would consider issues such as whether the current proportion of time spent by students in practice was appropriate. Council **noted** that the review should also examine the importance of education developing not only the professional skills expected of registrants but also the requisite personal qualities and attributes.

8262. In discussion on the implementation plan, the following points were **noted**:

- it was proposed that the “What to expect from an optician” guidance would be updated ahead of the introduction of the standards on 1 April 2016. While noting that the standards were drafted in way that was public-facing, Council **emphasised** the importance of ensuring that this guidance addressed specific areas of concern emerging from the consultation from the public and be accessible for patients and the public. Council **agreed** that the guidance, once updated, be tested with members of the public prior to issue;
- the implementation plan envisaged that the revised standards would be embedded within CET provision and training from 1 January 2016;
- it was important that case examiners and hearing panel members received guidance and training on the new standards to ensure that consistent and proportionate judgements were made on any purported breach of the standards; and
- Council would receive an updated implementation plan at its November 2015 meeting.

8263. In conclusion, Council **reiterated** its gratitude to staff, the Standards

Committee and all those that had participated in the consultation. Council also **extended** its gratitude to Linda Ford, who would shortly be starting a new role outside of the GOC, both for her efforts in developing the revised standards and for the considerable work she had done over a number of years for the organisation.

8264. Following consideration Council **approved**:

- the draft final impact assessment;
- the revised version of the GOC standards framework;
- the standards of practice for optometrists and dispensing opticians;
- the standards for optical students;
- the approach to implementation of the standards;
- the amendment to the Code of Conduct for business registrants;
- the GOC's intention to work with the professional bodies to raise awareness among their members of the benefits of business registration;
- the GOC's proposed approach to producing guidance, subject to incorporating the need to test the accessibility of guidance prior to issue; and
- a requirement for all registrants to undertake Continuing Education and Training (CET) in the new standards in the 2016 – 2018 cycle.

8265. Council **delegated authority** to the Chair and Chief Executive and Registrar to finalise the GOC's statement summarising the GOC's response to the consultation, including the final versions of the impact assessment, the standards framework, standards of practice, standards for optical students and Code of Conduct for business registrants, reflecting Council's comments.

#### **Illegal practice strategy project – paper C27(15)**

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8266. Council **considered** a paper which provided an update on the implementation of the illegal practice strategy, and sought Council's approval to consult on the draft voluntary code of practice for online contact lens supply for ten weeks and the draft appendix to the protocol for criminal prosecutions.

8267. The Council **noted** that the stakeholder steering group, which had been constituted to oversee the workstreams on developing a code of practice for online contact lens supply and raising awareness among contact lens wearers of how to buy and wear contact lenses safely, had been closely engaged with the project. A stakeholder working group had also been set up to draft the code of practice, which had focussed on the health and safety of the contact lens wearer. Council were appreciative of the engagement of these groups which had worked collaboratively and focused on consumer needs, and the Executive's efforts to progress this area of work.

8268. In discussion, the following points were **considered**:
- that the code had drawn on the research undertaken and appropriately reflected the risks to consumers;
  - key principles used in drafting the code had been to inform consumers and recognise the role of the registrant in ensuring appropriate after care;
  - further work was required in respect of implementing and monitoring the code of practice for online contact lens supply. The comments of the stakeholder and working groups had demonstrated that there was a real interest in implementing the code. It was currently envisaged that a system of accreditation for suppliers would be introduced, with the ultimate sanction being removal of such accreditation for breach of the code. The accreditation model, and considerations around administration of handling concerns and maintaining compliance, would be further developed in the coming months;
  - why it was proposed that the standard consultation period should be reduced from 12 weeks to ten weeks and whether this was necessary. It was **noted** that there had previously been a full three month consultation on the GOC's illegal practice strategy, including the proposal to develop a code of practice, and that a ten week consultation period would enable presentation of the consultation responses and a final code of practice to the November 2015 Council meeting, rather than waiting until the February 2016 Council meeting. Given the importance of this issue, it was considered necessary for Council to discuss in open session and therefore a ten week consultation was **agreed** in order to move forward with the code of practice in a timely manner; and
  - a tender was underway for research into consumer views to be undertaken that would allow for a benchmark to be set, against which an assessment of the effectiveness of the voluntary code could be made, once introduced.
8269. Council **noted** that two registrants had written to the Chair raising illegal practise concerns as a result of reading this Council paper. These concerns would be duly investigated by the Executive.
8270. Council **agreed**:
- to approve the consultation on the draft voluntary code of practice for online contact lens supply;
  - to approve a consultation period of ten weeks;
  - to approve the draft appendix to the protocol for criminal prosecutions; and
  - to **delegate authority** to the Chair and the Chief Executive and Registrar to finalise the consultation document and draft appendix to the protocol for criminal prosecutions prior to publication.

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**Strategy for managing complaints quickly and effectively: scope and**

### **work streams – paper C28(15)**

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8271. Council **received** a paper, which set out and sought Council's comments on the current project scope for dealing with complaints received by the GOC more efficiently and effectively.
8272. Council **noted** the future phases of the work and **recognised** the importance and urgency of this project and that it be delivered successfully and to time, given the impact of this work on registrants and the GOC's role in public protection. In view of this, Council **noted** the importance of ensuring that appropriate resourcing was dedicated to the project to ensure delivery in a timely manner and **requested** that the Executive give further thought to the requirement to ensure creative thinking and innovation in delivering the strategy. Council **requested** that the concerns raised in the 2014/15 review of the GOC by the Professional Standards Authority (PSA) and the possibility for legislative reform be taken into account in finalising the project scope.

### **Minutes of the last meeting held on 13 May 2015**

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8273. The minutes of the public meeting of Council held on 13 May 2015 were approved as a true and accurate record of the meeting.

### **Updated Actions – paper C23(15)**

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8274. Council **noted** the progress on the actions in the paper. In relation to action 20(15) (public perceptions research) it was **noted** the research had been published and consideration was being given on how and with whom to disseminate the research, including a possible event in October 2015 to be held in the GOC's Old Bailey offices. It was **noted** that presentations were due to be made at the Association of Optometrists (AOP) Council meeting, at the next European Council for Optometry and Optics (ECOO) conference and at the next Scottish Regulatory Conference.

### **Matters Arising**

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8275. The Director of Resources **advised** that survey work had been initiated that would enable a firm assessment of the potential tax liability to be incurred through disposal of the GOC's Harley Street offices; forecasts on such liability in the draft annual report and accounts were cautious. The position was expected to be finalised in September 2015.

### **Chair's report – paper C24(15)**

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8276. Council **received** and **noted** a report from the Chair updating members on his activities since the Council meeting on 13 May 2015.
8277. Council **noted** that, following an open recruitment exercise, Caroline Corby

had been appointed as Chair of the GOC Investigation Committee for a four-year term from 1 August 2015.

#### **Chief Executive and Registrar's report – paper C25(15)**

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8278. Council **received** and **noted** the content of the Chief Executive and Registrar's report.
8279. Council **noted** that the Executive had agreed additional resource in a number of areas using the special reserve established by Council: this would enable, amongst other things, appointment of a Compliance Manager and of a Registration Assistant. Further, the Executive was considering allocating resource from the special reserve to support the complaints strategy and quality assurance framework projects. The Chief Executive and Registrar extended her personal thanks to Linda Ford for her service to the GOC.
8280. It was **noted** that since the last meeting of the Council, the PSA had confirmed its levy for GOC for the current and the forthcoming year, which was in part to deliver the PSA's increasing work programme. The levy for the current year was less than that for the forthcoming year, as the funding model for the PSA would only come into effect from 1 August 2015. It was expected that the PSA would engage with all UK healthcare regulators in the setting of levies for future years on an annual basis.

#### **Review of the optometry accreditation handbook – paper C29(15)**

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8281. Council **received** a paper, which sought Council's approval of revisions to the Handbook for Accreditation and Quality Assurance of Routes to Registration for Optometry ('Accreditation Handbook for Optometry') that were designed to clarify existing requirements and improve the governance of the process for accrediting new courses. Council **noted** that the revisions had been shaped in part to take into account engagement with stakeholders and that the Education Committee had, at its meeting on 2 July 2015, recommended the revised handbook to Council as being fit for purpose.
8282. In discussion, Council **noted**:
- the proposed changes and rationale for the changes were set out in full in annex two to the report;
  - the revised handbook took into account the need for flexibility in accreditation of programmes; and
  - the handbook, once approved, would be published on the GOC website and shared with institutions. The publication on the GOC website of visit reports and annual monitoring submissions would allow for some comparison between institutions.

8283. Council **approved** the amendments to the Handbook for Accreditation and Quality Assurance of Routes to Registration for Optometry ('Accreditation Handbook for Optometry').

**Legislative reform programme: update – paper C30(15)**

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8284. Council **received** a paper, which set out and sought Council's views on the GOC legislative reform programme. Council **noted** that a workshop would be organised for Council in Autumn 2015 to enable a fuller discussion on the nature of legislative reform that the GOC should seek to achieve in the longer term which would involve some Council and committee members.

8285. In discussion, Council **commented** that:

- there was common consensus across all UK healthcare regulators of the need for legislative change that would enable all regulators to perform their public protection role more efficiently and effectively. The Professional Accountability Bill ('the Bill') would not be introduced in this parliamentary session and there was therefore an onus upon the GOC, as with all other healthcare regulators, to consider alternative options and solutions to deliver much needed change. Council **welcomed** the opportunity to discuss these options further at the proposed workshop;
- consideration should be given to the need for amendments to the Opticians Act 1989 with a view to enabling a more risk-based approach to professional practice and regulation; and
- the GOC needed to ensure that it engaged with all devolved administrations across the UK in delivering reform.

8286. Council **agreed** that, in advance of the Council workshop in the Autumn, work should be undertaken to identify where legislative change would be necessary in delivering the objectives of the strategic plan and current business plan. Council felt that legislative reform would be important in delivering the Complaints strategy.

**Professional Standards Authority (PSA) performance review report 2014 / 2015 – paper C31(15)**

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8287. Council **received** a paper, which set out the outcomes of the PSA's annual review of the GOC's performance for 2014/15, alongside the outcomes for the other eight UK health and social regulators overseen by the PSA.

8288. In discussion, Council **noted**:

- that the GOC had been found to be meeting 21 of the 24 PSA Standards of Good Regulation;
- that the PSA, in undertaking the performance review, did not set targets for regulators to achieve but did consider the appropriateness of targets, and

- achievement against those targets, set by the regulator;
- the performance and risk management information available to Council and the Executive had meant that the areas where the PSA had deemed the GOC not to have met the standards were already areas that had been identified as areas of risk and the Executive recognised the importance of improving these areas;
- the FTP timeframes of regulators who had passed the related standard would be considered as part of the Complaints strategy project;
- there was increased collaboration across the regulators and sharing of good practice; and
- the GOC had responded to the PSA's recent consultation on its performance review process urging the PSA to ensure that the process was proportionate, transparent and consistently applied. It was **noted** that there were currently some inconsistencies between regulators in how some timeframes were measured.

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**Financial performance report: quarter one 2015 / 16 – paper C32(15)**

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8289. Council **received** a paper, which set out the quarter one (Q1) financial results for 2015/16. Council **noted** that the focus of the report was on Q1 performance, and that further information on forecast data would be included in the financial performance report in November 2015; and that savings had been identified in Q1, which may be deployed to meet additional resourcing requirements.
8290. In discussion, the Council **noted** that:
- budget holders had received training in budgeting in July 2015 which was important to ensure that the corporate approach to budget phasing was embedded across the organisation;
  - the internal auditors were preparing a report on the 2014/15 surplus which would be presented to the ARC in October 2015 for consideration;
  - the underspend on phase one of the CRM project, would be used for phase two; and
  - there was a material variation in expenditure in Q1 in Fitness to Practise, which was largely the result of savings realised on induction training of new Hearing panel members and on reduced panel member expenditure due to less expenses claimed than forecast.

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**Performance and management information report: quarter one 2015/16 – paper C33(15)**

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8291. Council **received** the performance and management report for quarter one of 2015/16. Council **noted** that it was proposed future reports would include rolling annual performance for Fitness to Practise indicators, which would reduce volatility of the data reported each quarter.

8292. In discussion, Council **noted** that:
- the information presented in the performance dashboard was valuable in assessing corporate performance and **requested** that the “percentage change per quarter” not be coloured according to RAG ratings in future as this could be confusing;
  - performance in issuing of Interim Orders (assessed through time taken from receipt of information indicating the need for an Interim Order and an Interim Order decision) was above expectations; it was not considered that performance in this area was being focused on to the detriment of performance against other FTP indicators; and
  - it was expected that the introduction of performance related pay for all employees and relocation to the Old Bailey premises would have a positive impact on employee turnover. Exit surveys for leavers had frequently pointed to remuneration being a reason for departure.

#### **Whistleblowing update – paper C34(15)**

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8293. Council **received** a paper, which set out the current reports, best practice and guidance relating to whistleblowing and the implementation plan in place for the GOC to fulfil its duties in this area, which included guidance for workers (persons providing general ophthalmic services) to make a protected disclosure to the GOC, a policy and process identifying how the GOC will handle such concerns when raised with us, and a review of the GOC’s internal whistleblowing policy. Council **noted** the general importance of work in this area that had been highlighted by recent external inquiries, including the Freedom to Speak Up report.
8294. In discussion, Council **noted** the current intentions for the timing of the work and commented that this would be challenging, notwithstanding the additional internal resource that had been agreed to deliver this work. It was **requested** that, in order to speed up implementation, consideration should be given to whether consultation would be required on all the planned outputs with a view to consulting only where necessary. It was **requested** that the legal status of the Public Interest Disclosure Act in Scotland be checked.
8295. Council **requested** an update report at its November 2015 meeting to highlight achievement against the plan and a timetable for completion of all the work in this area, including implementation.

#### **Investment policy – paper C35(15)**

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8296. Council **received** a paper, which set out a revised investment policy statement at Annex one for Council’s consideration and adoption. Under the Trustees Act 2000, there was a statutory responsibility upon trustees to

determine its approach toward investments made by the charity to ensure that investments yielded a return. The policy statement took into particular account the need for the investment portfolio to have regard to sustainability and ethical considerations: it fully complied with Charity Commission requirements.

8297. Council **agreed** to adopt the investment policy statement subject to:
- no investments be made in organisations that derive any income from the tobacco industry, given research findings that the use of tobacco was detrimental to ocular health; and
  - further clarity being sought from Brewin Dolphin on whether any conflict of interest might arise were the investment portfolio to include any organisation that sold optical products.

8298. It was also **recommended** that in the future consideration should be given to wider sustainability considerations such as fossil fuels and the living wage.

#### **Scheme of Delegation**– paper C36(15)

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8299. Council **received** a paper, which recommended changes to Part One of the GOC's Scheme of Delegation (SoD). It was **noted** the ARC had considered the SoD in June 2015 and their comments had been incorporated.
8300. Council **considered** whether the appointment of clinical advisers for the Fitness to Practise Committee and Registration Appeals Committee could be delegated to the Chief Executive and Registrar. Council **requested** the Executive consider whether this delegation was legally allowed and **agreed** to make a decision by email resolution if it was recommended the delegation could be made.
8301. Council **agreed** to delegate responsibility to the Chief Executive and Registrar to finalise the Scheme of Delegation for publication, including addressing typographical errors.

#### **Member roles and responsibilities review** – paper C37(15)

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8302. Council **considered** a paper, which set out a number of recommendations in respect of members' roles and responsibilities.
8303. Council **noted** the requirement under the UK Corporate Governance Code that one member of the ARC should have relevant financial experience, and that currently Peter Douglas was the only Council member who could satisfy this requirement. Council **agreed** to reappoint Peter Douglas as Chair of the ARC until the end of his term as a Council member (31 March 2017). Council also agreed to include a sentence in the ARC terms of reference to waive the

maximum term of six years membership of the Committee if no other Council member had the relevant financial experience.

8304. Council **noted** that the initial terms of appointment for three years of Liam Kite on the Remuneration Committee and Paul Carroll and Selina Ullah on the Nominations Committee were near to completion. Council **agreed** to reappoint Liam, Paul and Selina for further terms of three years on the committees or until the end of their terms as Council members, whichever were the earlier.
8305. Council **noted** that Rob Hogan would step down from the ARC when his appointment as a Council member ceased on 31 December 2015 and **delegated authority** to the Chair of Council to appoint a Council member to replace Rob on the ARC as from 1 January 2016.
8306. Council **noted** that the following Council members were currently appointed to the statutory advisory committees (SAC's):
- **Education Committee** – Brian Coulter (Chair), Fiona Peel and Scott Mackie;
  - **Companies Committee** – Fiona Peel (Chair) and Helen Tilley;
  - **Registration Committee** – Rosie Glazebrook (Chair) and Liam Kite; and
  - **Standards Committee** – Selina Ullah (Chair), Glenn Tomison and Helen Tilley.
8307. It was **noted** that when Council appointed Council members to the SAC's, it did not specify a term of appointment. Members **agreed** to set the term of appointment of Council members on the SAC's as three years in line with the non-SAC's. As some members had been on the SAC's for nearly three years, Council **agreed** to reappointment them for a second term of three years.
8308. Members **noted** that in order to move the timing of Council member appraisals in line with the financial year, the Chair of Council would hold interim appraisal review meetings in 2015, to reflect on agreed objectives in the light of the new business plan and consider development needs and that a full member appraisal will be undertaken in April/May from 2016. It was **noted** the current list of Council Champions was out of date and Council **agreed** that the list should be updated by the Chair following member appraisal review meetings in 2015, to ensure that at least one member was a champion of each of the projects in the 2015/16 business plan. It was **agreed** that the list be refined to only include project champions or areas of knowledge.

### **Member development plan – paper C38(15)**

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8309. Council **considered** the member development plan for 2014–17 which had been recommended by the Nominations Committee. The plan defined what was meant by member development, set out the expectations of members in relation to their personal development and outlined how development opportunities would be provided to members
8310. Council **welcomed** the plan and **requested** that proposals to deliver training on information governance and equality and diversity, be expedited, potentially through the use of online training packages. It was **suggested** that online training provided by the Department of Health or the NHS be considered for use by members.

### **Council and Committee scheduling 2016/17 – paper C39(15)**

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8311. Council **noted** the paper which included a proposed schedule of Council and Committee meetings for 2016/17 and **delegated authority** to the Chief Executive and Registrar to finalise the schedule following consultation with committee members. It was **requested** that Scottish and Welsh school holidays be taken into account in finalising the schedule.

### **Council forward plan - paper C40(15)**

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8312. Council **considered** the forward plan of activity for the Council in 2015/16 and **noted** that plans for the project on review of the register would be considered by the Registration Committee at its next meeting in September 2015 and the Council forward plan updated accordingly once the project had been scoped.
8313. Council **welcomed** the new format of the Council forward plan and **noted** its contents.

### **Any other business**

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8314. There being no other business, the meeting closed at 4:43pm.

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

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8315. The next public meeting of Council would be held on **Wednesday 11 November 2015** at 10 Old Bailey, London, EC4. The time of the meeting was to be confirmed.