

Embargoed until 13:00 on 22 March 2012

C(12)1M

**GENERAL OPTICAL COUNCIL**

**Minutes of the 198th meeting of the Council held on 26 January 2012 at the Royal College of Ophthalmologists, 17 Cornwall Terrace, NW1 4QW**

**Present:** Anna Bradley (in the Chair),  
Morag Alexander, Paul Carroll, Peter Douglas, Robert Hogan,  
Liam Kite, Kevin Lewis, Fiona Peel, James Russell and  
Selina Ullah.

**In attendance:** Samantha Peters, Jeff Cant, Mandie Lavin,  
Kisha Punchihewa, Kiran Gill, Clare March, Simon Grier,  
Linda Ford, Phil Hallam, Nicola Ebdon and Grahame Tinsley.

**Apologies**

7562. Apologies were received from Brian Coulter and Nicholas Rumney.

**Declaration of members' interests**

7563. There were no additional interests declared.

**Minutes of the 197th meeting held on 24 November 2011**

7564. The minutes were **approved**, subject to amendment to minute 7542 as agreed at the meeting.

**Updated Actions - paper C1(12)**

7565. Members **noted** the updated actions as circulated. In relation to action point 2 it was **noted** that the Executive would continue to use the terms 'optometrist' and 'dispensing optician' as agreed, and if used with sufficient clarifying explanation, the Executive hoped to be able to obtain endorsement from the Plain English campaign for any relevant patient publications. In relation to action point 6 it was **noted** that the number of optometrists and dispensing opticians taking up the Low Income Earner fee was fairly evenly split.

**Other Matters Arising**

7566. There were no other matters arising.

**CEO Report – paper C2(12)**

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7567. Council **noted** the CEO's report as circulated. Items of particular interest to Council and discussed further were:
- initial feedback on the structure of the General Optical Council's (GOC) Council for Healthcare Regulatory Excellence (CHRE) performance review submission had been positive. A meeting with the CHRE to discuss feedback was planned for 16 February 2012, which would involve two Council Members. Council thanked the Executive for its hard work in this area;
  - a meeting had been planned between the GOC Executive and the Law Commission. Council was **requested** to encourage engagement of stakeholders with the Consultation; and
  - recent coverage of regulatory and especially Fitness to Practise (FTP) issues at other regulators was highlighted. Council were assured that warnings issued by the FTP Committee were published on the website with the determination and reasons for the sanction.

**Quarterly Performance Report – paper C3(12)**

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7568. Council **noted** the Performance Report for the third quarter of 2011/12 as circulated. Items of particular interest to Council and discussed further were:
- whether the report in its current format was of use to the Executive. It was **agreed** that as the report was used by the Executive to monitor and prioritise work more consistently, its format would be reviewed to ensure it met the Executive's needs;
  - the updated risk register would be reviewed by the Audit Committee on 28 February 2012 and then would return to Council as part of quarterly reporting;
  - the key performance indicator (KPI) for processing registration applications had not been met in October due to the large number of student applications. This happened each October due to the increased volume of applications and did not result in the KPI not being met for the whole year. Council **requested** that the Executive consider whether it should increase resource in this area over the six week period of student registration. Council commended the hard work and patience of the Executive in dealing with student registrations;
  - a dedicated research programme and related budget would be included in the new business plan;
  - the new business plan would include new KPI's. Council congratulated the Executive for meeting its target in relation to

processing registrations from EU and non-EU countries, which had not been met by many other regulators. Council **requested** that the Executive review its internal KPI's, including this one, to ensure they remained meaningful and challenging; and

- criminal prosecutions was becoming a key issue for the GOC and Council needed to agree on a strategy for work in this area.

**Quarterly Financial Report – paper C3(12)**

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7569.

Council **noted** the Quarterly Financial report as circulated. Items of particular interest to Council and discussed further were:

- the predicted underspend in relation to the cost of Council Members;
- the predicted underspend in relation to FTP cases due in part to the unpredictability of the number of cases referred to the GOC. For 2012/13 a reduced budget would be allocated for this, with any increase in case load being resourced from the legal reserve;
- in some instances the difference in variance between the year to the end of December 2011 and the forecast to the end of the year was significant. This was partly explained by the incidence of expenditure not being as originally predicted and partly due to budget holders becoming used to working to more realistic budgets; and
- income for the year was expected to be greater than budgeted due to the numbers of registrants having being maintained at a higher rate than forecast.

**Programme of implementation: Fitness to Practise Rules – paper C5(12)**

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7570.

Council **considered** the proposal about a further consultation exercise on Rule 15. The issue related to the review of decisions not to refer an allegation to the FTP Committee. Originally it was envisaged that reviews of this nature would be undertaken by the Registrar instead of the Investigation Committee. However, Council decided that these decisions should be reserved to the Case Examiners instead. A consultation was necessary as this had not been consulted on previously. Items of particular interest to Council and discussed further were:

- legal advice had been sought and all three options for consultation were considered to be legally acceptable;
- it was anticipated that the Law Commission may be considering the issue of Registrar's powers. The Executive explained the potential for legal challenge in this area;

- under all three options it was expected that the consultation would run for a period of three months and would be open to anyone who wanted to respond; and
- the Executive were not aware of any stakeholders who would be interested in responding to a consultation on Rule 15 that had not responded to the initial consultation.

7571. After consideration of the three options Council **agreed** the proposal to conduct a limited consultation on Rule 15 where the GOC would proactively seek the views only of those who responded to the main consultation, as recommended by the Executive.

7572. Council **reviewed** the implementation programme that had been developed in connection with the current project to reform and modernise the FTP function, as circulated. Items of particular interest to Council and discussed further were:

- the recruitment of case examiners and the need for the recruitment to be rigorous and transparent. It was **noted** that Council would be involved in the recruitment process, on a basis similar to Council's involvement in the Investigation Committee recruitment. Council **suggested** that the recruitment process could be commenced earlier than planned if this would help keep the implementation on time. Council **recommended** that consideration be given to formulating guidance for applicants to ensure that any conflicts of interest could be identified at an early stage, in order to ensure the integrity of the appointments process;
- Council expressed their desire for the Executive to reduce the amount and length of the Rules, in this case and generally, supported by expanded Guidance if necessary; and
- the Executive were conducting meetings with interested parties and key stakeholders, to manage the transition with those most likely to be affected by the changes, thereby reducing the risk of legal challenge.

7573. Council **agreed** that it should receive a quarterly update on progress.

#### **Continuing Education and Training – paper C6(11)**

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7574. Council **reviewed** the paper on the Continuing Education and Training (CET) scheme which provided an update on the work undertaken by the Executive to implement the changes approved by Council in September 2010, as circulated. Items of particular interest to Council and discussed further were:

- there would be a specific rule requiring registrants to participate in peer discussion, with details captured in supporting guidance. These guidelines had been drafted in consultation with the CET advisory group. Council **noted** the variety of options as to how registrants could undertake peer discussion in order to discuss cases with other registrants, and submit a reflection statement in their CET portfolio to capture their learning. The options had been designed to enable the scheme to be achievable for all registrants, including those with geographical restrictions;
- a dedicated communications strategy would support the enhanced CET scheme to ensure registrants understood the changes and expectations of how to comply with the new requirements;
- consideration was given to the fact that the GOC's papers used both the terms CET and Continuing Professional Development (CPD). CHRE and Department of Health (DH) documents referred to CPD not CET and future legislation was likely to reflect this approach. To avoid confusion it was **agreed** that on all documents relating to the scheme where both terms were used the Executive would include an introductory paragraph which provided a description of the terms and why the GOC used CET;
- the response from the profession to the proposals had been extremely positive, particularly from Dispensing Opticians regarding the amendment to the Contact Lens specialty requirement. The GOC stakeholder reference group would be used to capture the public patient feedback on the scheme changes; and
- CET failure would be on the basis of number of points, competency and modality requirements as specified in the CET Rules. An expectation that registrants gain a minimum of 6 points per year would be captured in guidance. An annual audit would take place and registrants who had not gained 6 points would be provided with the opportunity to notify the GOC of any circumstances preventing them from completing CET on a regular basis.

7575. Council **noted** that the Executive would circulate further information to Council Members regarding the changes and in particular the peer discussion requirements to help answer registrant queries. Council **noted** that further information on the scheme was available on the intranet and that Council Members were welcome to attend stakeholder meetings. The dates for stakeholder and other workshops would be sent to Council members as soon as they were available. Council asked

for periodic updates on progress with this work, perhaps quarterly and asked to be kept apprised of significant developments.

7576. Following careful consideration Council **approved**:
- revision of the CET Rules to include the new requirements to undertake CET across all competencies, to participate in peer discussion and interactive CET;
  - submission of the draft rules to the DH for formal comment prior to being brought back to Council in March 2012 for approval, prior to being taken through the Parliamentary process to enable implementation by January 2013;
  - continuation of work with stakeholders to support a smooth transition from the current to the new scheme;
  - continuation of the delivery of the communication strategy to ensure registrants were aware of and understood the future requirements and the evidence base and rationale for the changes; and
  - continuation of engagement with the DH and CHRE to ensure the scheme met the Revalidation requirements.

#### **Companies Committee Appointments – paper C7(12)**

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7577. Council **noted** the content of the paper on Committee re-appointments as circulated, including the proposal that, in line with Council's decision at its November 2012 meeting, in the future prior to re-appointments being made by Council a process of reviewing committee member contribution would be undertaken.
7578. Council **resolved** to re-appoint the existing members of the GOC's Companies Committee for a one year term from 1 January 2012, as per the circulated schedule. Council **agreed** to make this decision subject to any subsequent decision made by Council in relation to the GOC's Committee structure during the year.

#### **Estimated Budget for 2012/13 – paper C8(12)**

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7579. Council **noted** the content of the paper on the estimated budget for 2012/13 as circulated. Items of particular interest to Council were:
- the initial budget has been compiled from early estimates by the budget holders and was now being finalised through a series of detailed meetings;
  - the policy on reserves was being developed and the Executive were identifying any potential calls on the reserves for the forthcoming year. The final recommendation on reserves would be made to the Audit Committee in February 2012 and reported

- back to the Council in March 2012;
- Council **requested** that if possible the Executive should attempt to link the budget to the business plan and strategy and explain variations; and
- a final version of the budget will be presented to the March Council for approval following consideration by the Audit Committee in February 2012.

### **IT Integration Project**

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7580. Council **received** an update on the Customer Relationship Management (CRM) project which was fundamental to ensuring that the GOC could become more efficient and effective in the future. Items of particular interest to Council were:
- Nicholas Rumney, Council Member, was on the project board;
  - within the next few weeks the GOC would receive a fixed price for the contract, after which a decision would be made on the award of the contract; and
  - in September 2012, through the GOC's wider user group, a decision would be made on the most appropriate time to change to the new system to ensure minimal disruption to registrants.
7581. Council **requested** that update reports on the development of the CRM system should be periodically brought to Council.

### **Annual Report on Committee Members and Advisers – paper C9(12)**

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7582. Council **noted** the content of the paper on Committee re-appointments as circulated and **requested** that names of Members and Advisers be consistently used. It was **noted** that a number of governance projects would be undertaken over the next year which would impact on the appointment of Council and Committee Members and Advisers, which included the development of an appraisal process, the development of a board evaluation process and review of the conflicts of interest policy.

### **Devolved Administrations**

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7583. Council **noted** the following information in relation to Council activity in the devolved administrations:
- the Minister for Wales had been to meet with the Wales Optometry Postgraduate Education Centre at the School of Optometry;
  - the Council member for Scotland was keeping a watching brief on the development of Scottish legislation in relation to the regulation of professions and expected to give a report at the next Council

- meeting; and
- the Council member for Scotland attended an Optometry Scotland Dinner in the Scottish Parliament in December 2012 which included a number of short presentations made by a range of stakeholders and was an effective and valuable event. It was felt that this type of event could be undertaken by the Council when it went to the regions.

**Any other business**

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7584. Council **noted** that at the last meeting they had agreed to re-appoint Members of the other GOC Committees (apart from the Companies Committee – see minute 7578) and **agreed** to also make those appointments subject to any subsequent decision made by Council in relation to the GOC's Committee structure during the year. This would be incorporated into the letters of appointment.

**Date and time of next meeting**

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7585. It was **noted** that the next meeting would be at 10.30am on Thursday 22 March 2012.

**Items for Information – papers C10(12) and C11(12)**

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7586. Council **noted** the content of the papers on Committees update and stakeholder engagement activity as circulated.