

**GENERAL OPTICAL COUNCIL**  
**Minutes of the 208th Public meeting of Council held on 14 November 2013 at**  
**13:45 in the Intavent Suite, The Association of Anaesthetists, 21 Portland**  
**Place, London**

- Present:** Gareth Hadley (Chair), Paul Carroll, Brian Coulter, Peter Douglas, Rob Hogan, Liam Kite, Scott Mackie, Fiona Peel, James Russell, Helen Tilley and Selina Ullah.
- GOC attendees:** Samantha Peters, Alistair Bridge, Marie Bunby (7913-7931), Nicola Ebdon, Linda Ford, Kiran Gill, Lisa Harmshaw, Philip Hallam (7913-7940), Angharad Jones (7932-7936), Danny Langley, Mandie Lavin, Josephine Lloyd, Manori Izni-Muneer (7913-7925) and Lisa Sparkes (7937-7940).
- Public gallery:** Pat and Robbie Cameron Davies (Association for Independent Optometrists and Dispensing Opticians (AIO)); Richard Carswell, Association of Optometrists); Roger Goss (Patient Concern); Simon Jones (*Optician*); Jo Mullin (Royal College of Optometrists); Ryan O'Hare (*Optometry Today*); and Alan Tinger (Federation of Ophthalmic and Dispensing Opticians (FODO))

**Apologies**

---

7913. Apologies were received from Morag Alexander.

**Declaration of members' interests**

---

7914. The following interests were declared:
- Registrant fees rules – Helen Tilley, Scott Mackie, Liam Kite, James Russell, Rob Hogan and Paul Carroll declared an interest as a 'user as a trustee'. These 'user as trustee' interests were **noted** and all members were permitted to remain in the meeting during the discussion on this item;
  - Business regulation – Helen Tilley, Scott Mackie, Rob Hogan and Paul Carroll declared an interest as a 'user as a trustee'. These 'user as trustee' interests were **noted** and all members were permitted to remain in the meeting during the discussion on this item; and
  - Student regulation – Liam Kite, James Russell, Scott Mackie, Rob Hogan and Paul Carroll declared an interest as a 'user as trustee'. These 'user as trustee' interests were **noted** and all members were

permitted to remain in the meeting during the discussion on this item.

### **Minutes of the 207th meeting held on 11 July 2013**

---

7915. The minutes of the meeting held on 11 July 2013 were approved as an accurate record of the meeting with no amendments.

### **Updated Actions – paper C38(13)**

---

7916. Council **noted** the updated actions as circulated.

### **Matters Arising**

---

7917. There were no matters arising from the minutes of the last meeting held on 11 July 2013.

### **Financial Report – paper C39(13)**

---

7918. Council **received** a paper providing the financial report for the six months ended 30 September 2013 and the forecast outturn for 2013/14 as at quarter two and **noted** that the year outturn was expected to be within budget.
7919. Council **welcomed** the improved presentation of financial information and the continued diligence of the Executive in their accurate forecasting for such a financially challenging year.
7920. The Chair of the Audit and Risk Committee **expressed concern** about the use to which the legal contingency reserve was being put, namely that no specific budget provision was made for work associated with the making of Interim Orders notwithstanding the fact that a number of such Orders were required to be made each year. Council **noted** that the legal contingency reserve was being used in accordance with its current reserves policy, which was reviewed annually. Council **noted** that the policy would be reviewed next by the Audit and Risk Committee in January 2014 and Council in February 2014 as part of the budget setting for 2014/15.
7921. Council **noted** the action being taken to address financial performance in 2013/14 as detailed in paragraph 17 and the specific savings in comparison to budget. In particular, Council **welcomed** the Executive's intention to seek to recover costs associated with FTP cases.
7922. Council **noted** the timeline for future work which would be undertaken before the end of the financial year including:
- the remaining zero-based reviews or activity based reviews in those areas where costs were based on the number of activities that take

place, the results of which would be presented to Council in the quarter three financial report in February 2014; and

- developing a model for FTP case costs to enable improvements to be made to monitoring and forecasting. The modelling was currently expected to be completed by March 2014.

#### **Registrant Fees Rules – paper C40(13)**

---

7923. Council **considered** the registrants fee for 2014/15 and **agreed** that they should be set as follows:
- £290 for fully qualified registrants (an increase of £30);
  - £25 for student registrants (an increase of £5);
  - £190 for low income registrants earning under £12,000 (an increase of £30); and
  - £290 for bodies corporate (an increase of £30).
7924. In making its decision to increase the fee, the Chair **advised** that Council had taken the following factors into account:
- an increase would be necessary just to meet existing costs; however there were also new demands and expectations;
  - the next financial year would see an increased amount of recruitment for Council, committees and the FTP Panel which was cyclical and had not been experienced for some time;
  - the focus on standards, which was in line with the findings of the Francis Inquiry required a sound evidence base and research;
  - there had been an increase in the volume and complexity of fitness to practise cases which would require additional resource in order to speed up the process in the interests of both patients and registrants;
  - a stronger programme of research and stakeholder engagement would be necessary in order to keep pace with patient expectations and developments in the profession as well as understanding the public's perception and the changes in how optical care was being delivered in the four nations of the UK; and
  - the continuing modernisation of the IT infrastructure would vital to ensuring the GOC was capable of providing the service that registrants and the public expected.
7925. Council **endorsed** the Fees Rules for 2014/15 which were signed by the Chair and Chief Executive and Registrar.

#### **Business Regulation – paper C41(13)**

---

7926. Council **received** a paper which updated Council on stakeholder views provided during the business regulation consultation.

7927. Council **considered** the analysis of the consultation responses which showed that there was strong support for extending registration to all businesses carrying out restricted functions and enhancing the Code of Conduct for business registrants.
7928. Council **noted** the consultation responses received, mainly from the professions, and expressed disappointment at the lack of responses from service users and patients. Council **stressed** the importance of receiving such responses and their commitment to breaking down any barriers which might prevent people from responding to the GOC's consultations. Council also **acknowledged** that both the Francis and Berwick reports had cited the importance of receiving user/patient feedback and not just relying on practitioner views. The Executive advised that some organisations did not have the resources to respond to consultations and that thought would be given to how the GOC could engage with them in future, such as through focus groups.
7929. Council **noted** that it was within the GOC's power to enhance the Code of Conduct and that some of the professional bodies had expressed an interest in working with the GOC in order that this could be achieved. However, given that legislative change would be required to bring about the extension of business registration, the Executive would continue to meet with the Law Commissions and the Department of Health to take this forward.
7930. Council **considered** and **agreed** the draft statement on the outcome of business regulation, **noting** it included the finalised impact assessment. Although Council **considered** the statement to be a coherent response, it **requested** that it be slightly reworded to make it clear that the GOC would continue to be proactive on this issue and go beyond merely conveying its opinions to the Law Commissions and Government.
7931. Council **noted** the timeline for further work and **delegated authority** to the Chair and Chief Executive and Registrar to sign off the final version of the draft statement prior to publication.

#### **Student Regulation – paper C42(13)**

---

7932. Council **considered** a paper which provided an update on stakeholder views provided during the student regulation consultation and proposals as to how the GOC should proceed with the project. Council **noted** that Paul Carroll was the Council Champion for this project.

7933. Council **noted** the consultation had proved inconclusive with no definitive support for any one option in its entirety. Council **noted** the widespread support for the proposal (in options two and three) that education and training providers should in future deal with student fitness to practise. However, option two (the Council's initial preferred option) also proposed that employers should deal with fitness to practise issues for trainee optometrists undertaking their pre-registration training. Significant concerns had been expressed in relation to this proposal. The majority of written consultation responses, the stakeholder event, the registrant stakeholder reference group, and some of the GOC advisory committees had all expressed doubt as to whether businesses would be properly equipped to deal with such matters and the additional burden on supervisors. Council **acknowledged** that, until a comprehensive system of business regulation was in place, the GOC's power over businesses operating in the market was limited.
7934. Council **agreed** with the Executive's proposal to carry out further research and engagement with stakeholders to consider the weight to be attached to the concerns raised during the consultation and how these might be best addressed. It would also consider whether option two remained the best option or whether another option, such as option three (GOC registration for student optometrists during their pre-registration training) would be preferable. Council also **noted** the Executive's intention to continue to engage with fellow healthcare regulators where this would be useful.
7935. Council **considered** and **agreed** the draft statement for publication and made the following **recommendations** for the future work of this project:
- the Northern Ireland Health and Social Care Council should be approached in order to understand the risks, related issues and lessons learned from their student registration;
  - student regulation from an international perspective should be explored;
  - the risk assessment and outcome of the HCPC work leading to their decision to cease to register student social workers should be examined; and
  - Further research with the public to understand their views and expectations around registering trainee optometrists and student dispensing opticians while undertaking work based placements.
7936. Council **noted** the timeline for future work which would enable the finalisation of the impact assessment and recommendation of a preferred option to Council at its meeting in May 2014.

### **Guidance on Fitness to Practise Rule 16 – paper C43(13)**

---

7937. Council **considered** a paper on new Rule 16 fitness to practise guidance which would be used to support those determining Rule 16 applications. (Rule 16 refers to reviewing and possibly cancelling a case previously referred to the Fitness to Practise (FTP) Committee.)
7938. Council **agreed** the draft guidance for publication and noted it would come into effect from 1 December 2013.

### **Freedom of Information and Data Protection policies – paper C44(13)**

---

7939. Council **received** a paper outlining progress made with the Information Governance project and seeking approval of policies relating to freedom of information and data protection. Council **noted** that both policies had been considered by the Audit and Risk Committee at their meeting in October 2013 and were recommended for approval.
7940. Council **approved** the policies on Freedom of Information and Data Protection which would come into immediate effect.

### **Chair's Report – paper C45(13)**

---

7941. Council **received** a report from the Chair updating members on his activities since the Council meeting on 11 July 2013.

### **Quarterly Review – Q2 – paper C46(13)**

---

7942. Council **received** the quarterly review updating them on activities undertaken by the Executive during quarter two 2013/14.

### **Any other business**

---

7943. Congratulations were extended to Liam Kite who had won 'lecturer of the year' at the Association of Optometrists annual awards ceremony.

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

---

7944. The next public meeting of Council would be held on **Wednesday 12 February 2014** and the time and location of the meeting would be confirmed in due course.
7945. The meeting closed at 15:15.