

**GENERAL OPTICAL COUNCIL**

**Minutes of the 178th meeting of the Council held on 26 March 2009 at  
Chandos House, Queen Anne Street, London**

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

**In attendance:** Mr B Carroll, Mrs J D Taylor, Ms K Fielding,  
Ms L Kennaugh, Mr J Levett, Ms K PUNCHIHewa,  
Ms L Oakley, Ms A Samra, Ms M Claridge

**Chair's opening remarks**

6823. The Chair opened the public session of Council, welcoming all present to the last meeting of Council in its current format. The Chair extended a formal welcome to Mrs Taylor in her substantive role as Registrar and Chief Executive.

**Apologies for absence**

6824. Apologies for absence were received from Ms M Alexander, Mr N Andrew and Mr D Cartwright.

**Declarations of interest**

6825. 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.

6826. Mr Hamer declared his role as a non-executive member of CHRE.

**Minutes of the 176th meeting held on 20 November 2008**

6827. The Minutes of the meeting held on 20 November 2008 were approved as being a true and fair record of the meeting.

**Matters arising from the 176th meeting: for information**

6828. The Council noted **Paper C(40)08/09** which provided an update on the following matters arising from the 176th meeting of Council:

- the General Optical Council Constitution Order;
- CHRE Performance Review;
- Education Committee Working Group's proposals on greater patient and public involvement in statutory education visits;
- Staggered and tiered fees; and
- Committee Constitution Rules.

6829. The Council expressed concerns about the lack of information forthcoming from the Department of Health, specifically with regards to the publication of the GOC Constitution Order and the publication of the Department's analysis of the consultation responses on the Order.

6830. **RESOLVED:**

**that the Executive would feedback Council's concerns, to the Department of Health's lead, around the importance of having timely access to information relevant to the GOC.**

6831. The Council expressed concerns at CHRE's intention to examine one hundred cases, of each of the regulators, which did not progress to Fitness to Practise. It was noted that CHRE's intention was that this chosen figure would be applicable for the first year only, with subsequent years' samples set at ten percent. While accepting it was necessary for CHRE to apply the same procedures and principles across all the healthcare regulators, the Council expressed concern about the size of the sample in the first year. Council also expressed concerns about whether clinical advice would be required by the panel undertaking the review. The Executive advised the concerns expressed by Council had previously been raised with CHRE.

6832. **RESOLVED:**

**that further discussions would be held with CHRE.**

6833. Members discussed the Education Committee proposal that patients of University clinics be asked to complete a short questionnaire, the analysis of which would be included in the annual monitoring submission of the training establishment. Concerns were expressed that training establishments were not aware of this proposal, and that this would be additional level of bureaucracy for students. The Acting Director of Education reassured Council that the questionnaire, currently being piloted at Bradford University, was still in development and the training establishments would be fully consulted before it was introduced. Every effort was being made to ensure any additional bureaucracy it introduced was kept to a minimum.

## **ITEMS FOR DISCUSSION AND/OR DECISION**

### **Business Plan 2009-10**

6834. The Council was asked to approve **Paper C(41)08/09** concerning the 2009-10 Business Plan which remained unaltered from the draft version considered at the November 2008 meeting of Council. The Registrar advised it was proposed the new Council would receive, at its first meeting on 2 April, a schedule of the measures of success for achieving the business plan which would be developed and presented to Council from April onwards. The Registrar commented on the necessity of the measures being appropriate to the task, such as the use of Key Performance Indicators (KPIs) and project plans.

6835. The Chair commented it was envisaged this would be a two-stage process: firstly, Council would take a decision as to whether the Executive's proposed measures were the correct measures for the task; secondly, Council would hold the Executive to account against those agreed measures.

6836. The Council held reservations about approving the business plan without the measures of success incorporated into the document and felt the new Council should be asked to note the business plan in line with the legacy document.

6837. **RESOLVED:**

**that Council commend the 2009/10 Business Plan to the new Council.**

### **Budget 2009-10**

6838. The Council was asked to approve **Paper C(42)08/09** concerning the 2009-10 budget which supported the delivery of the business plan and had been fully scrutinised by the Finance and Procedures Committee.

6839. In accordance with the decision taken regarding the business plan, the Council felt the budget should not be approved but commended to the new Council.

6840. **RESOLVED:**

**that Council commend the 2009-10 budget to the new Council.**

### **Legacy document**

6841. The Council was asked to confirm **Paper C(43)08/09** concerning the Legacy Document which highlighted those issues which the current Council wished to be taken forward, or taken into account, by the new Council. The document comprised five categories:

- Statutory responsibilities defined under the Optician's Act 1989 (amended 2005);
- The 2009-10 Business Plan supported by the 2009-10 Budget;
- Issues identified by the Council's committees or departments as ongoing work or work to be taken forward in the short term;
- Companies Committee Suggested Key Priorities for the new Council; and
- White Paper work which needs to be taken forward.

6842. Tabled at the meeting was an amended version of the Companies Committee's Suggested Key Priorities, which formed a component of the Legacy Document. The Council expressed concerns that the Committee's paper revisited issues previously considered and dispensed with by the Council. It was commented the intent of the Legacy Document was not to set policy and procedures.

6843. **RESOLVED:**

**that an addendum be made to the Companies Committee's Suggested Key Priorities paper stating the issues raised, in the paper, were issues which had previously been discussed at length by the Council and its position established.**

6844. Within the Fitness to Practise Department's section of the legacy document, the introduction of a scrutiny committee or board, to review cases considered by the Fitness to Practise Committee, was highlighted. The Council commented that there appeared to be a number of overlaps between the work of that committee/board and that of the FTP Policy Group and that thought should be given to the possible convergence into one group.

6845. The Director of Standards advised Council that an additional point, concerning Therapeutic Prescribing, raised in the Standards Committee's section of the legacy document had been omitted from the version before them. Council were advised the omission would be corrected in the version to be submitted to the new Council. The Standards Committee wished to convey to the new Council that the new Rules introduced to allow therapeutic specialist optometrists to independently prescribe, would require consideration as to their effectiveness.

6846. Referring to the 'Vetting and Barring Scheme' section of the Registration Committee's component of the legacy document, the Director of Communications and Information advised Council that the Independent Safeguarding Authority's full registration elements of the Vetting and Barring Scheme had now been delayed until July 2010. The Director advised the legacy document would be amended to reflect the delay, and would be communicated to various stakeholder groups.

6847. The Registration Committee's section also highlighted the need to review the overall approach to the regulation of dispensing opticians to ensure a focused and proportionate approach to ensure public protection. It was commented that this was important issue to be considered by the new Council.

6848. **RESOLVED:**

**Subject to the above amendments/addendum, Council confirmed the legacy document for the new Council.**

### **Declarations protocol**

6849. The Council received **Paper C(44)08/09** which proposed revisions to the Protocol on the Handling of Criminal Convictions disclosed by Registrants Council was asked to approve the revisions to the Protocol.

6850. The Council expressed concern that registrants may not be aware of the significance of police cautions and drink-driving convictions; a failure to declare such matters will be considered by the Investigation Committee for referral to Fitness to Practise. The Acting Director of Legal and Fitness to Practise advised that communication with registrants around FTP issues was one of the pieces of work being taken forward.

6851. The Director of Communications and Information highlighted to Council the addition of a specified time period of ten working days in which requests for further information will be actioned.

6852. **RESOLVED:**

**The Council approved the proposed revisions to the protocol.**

### **Consultation Framework**

6853. The Council received **Paper C(45)08/09** which outlined the background to, and process for, developing a consultation framework, together with its intended purpose. The Council was asked to approve the proposed GOC consultation framework.

6854. **RESOLVED:**

**The Council approved the proposed GOC consultation framework.**

## **ITEMS FOR INFORMATION**

### **CHRE Performance Review**

6855. The Registrar advised Council that the points that were to have been raised under this item had been raised earlier in the meeting.

6856. The Chair commented on the quality of the working relationship between the GOC and CHRE. With regards to the patient experience, he commented on the importance of good, sound professional regulation to underpin the system and integrity in working practises.

6857. With the CHRE's Council no longer composed of the healthcare regulator's Chairs, the Council commented on the importance, in future, of greater interaction between the GOC and CHRE Councils. This issue was highlighted to the new Chair of CHRE by Mrs Varley, in her capacity as outgoing acting Chair of CHRE.

### **White Paper update**

6858. The Council was asked to note **Paper C(46)08/09** which provided updates on: the GOC's Constitution Order; Committee Constitution Rules; other legislation; and the establishment of the Office of the Health Professions Adjudicator (OHPA).

6859. The board, which will oversee the establishment of OHPA, will initially consist of three members: the Chair, the Chief Executive and a non-executive member. The Director of Standards advised the advertisements for the positions of the Chair and non-executive member of the board of OHPA were to be published later that week with the appointments to be made summer 2009. The Chief Executive position would be appointed thereafter.

6860. The Director advised the Tackling Concerns Nationally Working Group's report, which makes recommendations for OHPA's establishment, was published 20 March 2009. The Government's response to the report was not yet known.

6861. The report of the Tackling Concerns Locally Working Group was published the same day as the above report; again, the Government's response was not yet known. The Executive will analyse the report and take their observations to the new Council. Concerns were raised that the GOC should not devote resources to the implementing the report's recommendations until the Government's response is known. The importance of maintaining contact with the Department of Health was reiterated.

6862. Council noted no substantive changes were made to the GOC Constitution Order following the consultation which closed in November 2008. Therefore the Council's recommendation, that registrant membership of Council consist of four optometrists and two dispensing opticians, in order to reflect the GOC's registrant base, had not been incorporated into the Order. Council was advised the Government's response to the consultation did not detail why they had chosen not to go down this route.

### **Performance Management**

6863. The Council was asked to note the progress in achieving the Business Plan for 2008/9 as outlined in **Paper C(47)08/09**. The Council's attention was drawn to error in the front sheet which incorrectly stated it related to the 2009/10 Business Plan.

6864. The Director of Standards advised Council a substantial bid had been put forward to the Department of Health for funding for developing concepts and piloting of the GOC's proposed revalidation scheme. The Department had advised funding would not be available for the setup and maintenance costs.

### **Determinations of FTP hearings**

6865. The Council was asked to note **Paper C(48)08/09** which detailed the outcomes of Fitness to Practise hearings held since November 2008.

### **Appointment of new Council members**

6866. The Chair advised the recommendations for appointment to the new Council had been submitted to the Appointments Commission's Health and Social Care Appointments Committee on Wednesday 25 March 2009. The Chair expected to be advised of the outcomes of the Committee's decision following the Council meeting. Details of the appointments would be publicised through the normal channels.

### **Chair's closing remarks**

6867. The Chair offered Council his thanks and congratulations for having placed the GOC at the leading edge of healthcare regulation through its leadership. He offered the Council his particular thanks for their exemplary handling of the constitutional change of the GOC.

6868. Looking forward, the Chair identified two areas for focus of the Council engagement and independence. The Council must ensure it engages with its stakeholders, while ensuring it does not compromise its independence. The Council must continue to put the patient at the heart of regulation, ensuring patient safety is protected.

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

6869. The next Council meeting will be held at **09:30** on **Thursday 2 April 2009** at the Royal Society of Medicine, Wimpole Street, London.