

GENERAL OPTICAL COUNCIL

**Minutes of the 192nd meeting of the Council held on 27 January 2011 at
the General Optical Council, 41 Harley Street, London W1G 8DJ**

Present: Anna Bradley (in the Chair),
Morag Alexander, Brian Coulter,
Peter Douglas, Liam Kite, Kevin Lewis,
Nicholas Rumney, James Russell

In attendance: Satjit Singh, Jeff Cant, David Howell,
Liz Carr, Maria Claridge, Joan Burrow
Irina Miksa (for item 6) Philip Hallam (for item 8)

Chair's welcome

7292. The Chair welcomed Members and guests to the 192nd meeting of the Council.

Apologies for absence

7293. Apologies for absence were received from Paul Carroll, Robert Hogan and Fiona Peel.

Declarations of interest

7294. 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. None were declared.

Minutes of the 190th meeting held on 25 November 2010

7295. The Minutes of the 190th meeting held on 25 November 2010 were signed as being a true and fair record of the meeting.

Matters arising from the 190th meeting: for information

7296. Members received **Paper C(01)11** being an update on the matters arising from the previous meeting and progress on action taken. No further points were raised.

ITEMS FOR DISCUSSION AND/OR DECISION

IT Integration

7297. The Council received **Paper C(02)11** being an update on the IT integration project. The Director of Corporate Resources explained that in previous discussions it had been agreed that ideally there should be a single point of entry for all details relating to each registrant. At present there were several systems and none were linked.

7298. He confirmed that Optevia had been appointed to suggest solutions to this issue and they would be presenting their discovery report the following week. This would contain timeframes, phasing and technical solutions. Once implemented this

would give significant savings and efficiencies over the next 18 months. The case management system would also be integrated with the system in due course. It was confirmed that the allocation of registration numbers and checks on student registrations would be speeded up. The integrated system proposed would enable a single screen point of access to all the information needed to register an applicant and to subsequently track their complete history of payment of fees, registration and FTP etc.

Performance review

Project milestones

7299. Council received **Paper C(03)11** being the schedule of performance indicators for the delivery of the 2010/11 Business Plan. The Director of Corporate Resources reported that the majority of the projects were 'green'. Council was asked to note the following:

- Revalidation – this was three months ahead of schedule and those involved were commended for this.
- Education – all projects were on target.
- Training and education overseas – this was on schedule and a paper would be presented to Council at its March meeting.
- Online retention – Philip Hallam and the Registration team were commended for their hard work and it was reported that this was working well.
- Differential payments – this was on time and the low income fee had been implemented.
- Vetting and Barring – although the present Government does not wish to continue with this, it is already in place in Scotland. Therefore discussions are ongoing.
- Review of content and access to the registers – this was marked as amber due to delays as the supplier was undertaking work on online retention.
- Review of timetable for student registration – this was amber but guidance to students and institutions would be issued ahead of student retention 2011.
- FTP Rules – this was a later agenda item.
- Poor clinical practice – there had been no-one to give advice in this area in the past but the services of an optometrist were now available. As it would be desirable to also have the advice of a dispensing optician, this was being investigated.
- Finance – all projects were complete and the auditors were happy.
- IT – this was on target
- Electronic Case management system – a system had been chosen, supplied by Lexis Nexis. This was being reviewed at present to ensure it will work together with the other systems.
- HR – a significant review was underway and a proposal would be brought to Council in February/March.
- Communications – projects were well advanced and there would be a leaflet campaign 'Check your optician is registered' (February-April) with some being placed in GP surgeries and pharmacies. It was confirmed that this would be

carried out by a third party. Approximately 500 would be sent to patient organisations and this would be done in house. The leaflet would also be available to order online or download from the GOC website. There will also be a press release.

It was suggested that the leaflet should also be available in optical practices and the Communications Manager agreed to look into this.

Key Performance Indicators

7300. The Director of Corporate Resources reported on **Paper C(04)11** which detailed the KPIs and measures and targets for these:

Strategic Priority 1

- i. Revalidation – this was still ahead of schedule.
- ii. Data gaps – business planning is being progressed now with a new format and this will be part of the handover to the new CEO.

Strategic Priority 2

- iii. CET undertaken – this is going well with 56% of registrants on target compared with 32% last year. More work is being done to encourage peer review CET and to ensure that more is available. It was suggested that the College of Optometrists and the Local Optical Committees could help with this.
- iv. Employee turnover – there is no change at the moment but it still needs to be reviewed.
- v. Employee absence – this is below the target of 3% at 1.5%. a simpler system was being investigated.
- vi. System downtime – it was noted that as there had been so few instances of downtime there would be little reason to report at each meeting.
- vii. FTP allegations processing time – it was noted that this was slightly below the target of 80% at 74%. The Director of Regulatory Services would be recommending changes which should make a significant difference.
- viii. Processing of registration/restoration applications – this was on target for restorations but slightly below for registrations.
- ix. Online retention – this was at 24.7% and would be discussed later in the agenda.
- x. Driving down costs – this will be discussed later in the agenda.

Strategic Priority 3

- xi. Stakeholder engagement – there have been over 700 pieces of consultation from stakeholders.

7301. The Council joined the Chair in congratulating the staff as this was a very positive report.

Financial position

7302. The Council received **Paper C(05)11** being the financial position to 31 December 2010. It was noted that the expected underspend of £300,000 would rise as the costs of legal cases could be £200,000 less than expected. Also the expected tax liability, which could have been six figures, is now thought unlikely to crystallise. In addition the operating costs were lower than anticipated because of an efficiency drive.

7303. In respect of the Income and Expenditure it was noted that it shows the benefit of investment in the new structure. It was noted that budgets for FTP cases can be variable and unpredictable, but that the panel for legal advisers had reduced costs and costs had also been greatly reduced by using the GOC premises for FTP hearings.

Fitness to Practise

Proposals on the eradication of unnecessary delay in FTP Processes

7304. The Council received **Paper C(06)11** being proposals on delays in FTP processes. The Director of Regulatory Services emphasised that the proposals implied no criticism of the FTP team or process at the GOC, all of which had received a good report from the CHRE. However he thought that the GOC could do better still. He proposed that changes should be made in the way that performance in investigation and FTP cases were measured. At present the time taken for all cases is aggregated to produce the average timescale of 16 months. He suggested that cases be split into three different categories and that attention can then be focussed on reducing the time taken to the following:

- i. Simple cases (mostly relating to convictions) – three months;
- ii. Standard cases – six months; and
- iii. Complex cases – nine months.

This approach to case segmentation would enable more precise analysis. The introduction of the electronic case management system and case examiners would make achieving shorter times easier. It was suggested that irreducible minimum times should be given in due course and it was confirmed that this would be completed when the data was available.

7305. The Director invited Council to agree to:

1. The change to the more accurate system of recording timescales suggested;
2. The release of the Rules introducing case examiners for consultation;
3. The power to compel the release of information be given to the Registrar.

7306. It was noted that although the GOC had powers under the Opticians Act to compel the release of information, this was not used. The Director informed Council that on occasion it had taken up to eleven months to obtain the information needed to proceed with a case. This could make a great deal of difference to the time taken for a case to be progressed. It was suggested that the Registrar should make the decision to use this power but should report to Council due to the costs involved.

7307. The Director confirmed that the optical bodies and others had already been sounded out informally on the change to the Rules and the only party to express disagreement to date had been the Investigation Committee.

7308. Following the full consultation, which will close on 30 April, the results would be reported back to Council for decision in August. It was suggested that the proposed changes could be in force by 2013.

7309. Council felt that the stress felt by registrants and the public would be reduced with the new timescales proposed. It was also felt that the powers given by the Act should be used. It was also noted that in the case of a disagreement by the case examiners, the case would still be referred to the Investigation Committee.

7310. It was also noted that Interim Orders were not included in the statistics as they were treated separately because they needed to be dealt with speedily.

7311. It was also noted that cases which started as simple could indeed become more complicated and vice versa. Therefore the system would need to be flexible and cases reviewed in relation to this.

7312. In answer to a question the Director confirmed that the Rules should go straight through Parliament without any problems as they were not controversial.

7313. It was also noted that there was the possibility that the revised timetables would mean more hearings panel meetings. This would need to be reviewed as part of the process. It was also noted that there were no KPIs for the hearings panel as they were independent.

7314. The Director confirmed that an irreducible minimum time for cases would be ascertained once all the data was available.

7315. The Director commended the quality of the work completed by his predecessor, Ros Hayles, on this project which had helped him a great deal. It was noted that there was now a much broader set of proposals as the Director had reviewed all the current cases on his arrival at the GOC. The Council joined the Chair in thanking the Director and his team for their work on these proposals.

7316. **RESOLVED:**

- i. that the draft FTP Rules be released for consultation including a wider picture of Council's future intent in FTP. The results of the consultation to be brought back to Council in August;**
- ii. that the revised timescales for FTP cases be implemented from 2013 with an interim KPI of 10 months for all cases commenced on or after January 2012;**
- iii. that the Registrar be delegated to authorise the use of Section 13(b) to compel the provision of information by third parties.**

Proposals on criminal prosecutions

7317. The Council received **Paper C(07)11** being proposals on criminal prosecutions and it was noted that in the Opticians Act there were five offences listed but very few cases had been prosecuted by the GOC. The view of the police was that if there were provisions under a regulatory body's Act then that body should prosecute and not the police. It was also noted that the Pharmacists had stopped prosecuting their members for breaches of the Opticians Act as the GOC were not doing the same.

7318. It was questioned as to whether this would protect the public and it was pointed out that if a person was practising whilst unqualified then it would be a matter of public protection.

7319. It was emphasised that this was not a matter to be taken lightly and it was suggested that a member of staff should be appointed to carry out this work and take the cases to the Magistrates Court. It was confirmed that in these cases there would have to be enough evidence and for it to be in the public interest. It was reported that the other regulatory bodies use this power.

7320. It was confirmed that at present there were 50 cases to be investigated and a current member of staff who was carrying out FTP work was qualified to carry this out. The Director recommended that a further lawyer be employed for the FTP work initially on a six month contract.

7321. It was suggested that criteria should be set for selection of these cases and for the Registrar to be responsible for authorisation if the criteria are met. It was noted

that if the criteria had already been set then the Registrar would only need to report back to Council.

7322. It was recommended that the present Protocol for prosecutions be amended and that the reserves be adjusted to cover any risk involved.

7323. **RESOLVED:**

- i. **that the Protocol for criminal prosecutions be amended and brought back to Council for consideration;**
- ii. **that a further lawyer be recruited for FTP work, initially on a six month contract.**

Online retention

7324. Council received **Paper C(08)11** being a progress report on online retention. The Assistant Director of Registration reported that online retention for individual registrants went live on 4 January 2011 with paper forms being sent to business registrants. To date over 5,000 registrants had completed online retention and only 73 (1.6%) had requested a paper copy. 445 business registrants had applied for retention (30%). This was far ahead of previous years at this stage. It was confirmed that the deadline for applications for the low income fee was 1 February and so far there had been 382 applications (2% of those eligible).

7325. It was also reported that there had been largely positive feedback and there had been only a very small number of calls from those unwilling or unable to complete their retention online.

7326. It was noted that student retention would be available online from 1 April 2011 and then online retention for bodies corporate would be progressed for next year's retention.

7327. It was also noted that extra support would be available if there were large numbers of applications in the last week of the retention period but the system had been stress tested and proved able to cope.

7328. In reply to a question the Assistant Director confirmed that there were no figures available at present to ascertain whether there had been any new applications from those who had previously withdrawn from the registers. It was noted that the new fees structure had been widely advertised in the optical journals.

7329. The Council joined the Chair in congratulating the Assistant Director and the Registration team for all their hard work in implementing the new system.

Report on behalf of the Devolved Administrations

7330. Morag Alexander reported that she had met with the office staff at Optometry Scotland and discussed the best way to work with the GOC as a regulator. They had extended an invitation to the GOC Chair to attend their AGM in March to which she agreed. Ms Alexander had also attended their Council meeting which proved to be a valuable insight into their decisions. It was reported that a commitment had been given by the Scottish Government to keep funding for optical services at the same level in 2011-12.

7331. The Vetting and Barring Scheme in Scotland comes into effect in February and it is believed that it lacks clarity so there are ongoing discussions with the Scottish Government to clarify some of Optometry Scotland's concerns.

7332. It was suggested that it would be helpful for Members from the devolved countries to have a briefing from the GOC before attending any events to inform

them of any important events or developments within the next few months. It was confirmed that this was being considered by the Registrar's office as part of restructuring. Proposals would be brought to Council at its March meeting.

7333. It was noted that the Communications Manager and Registrar had provided a briefing paper for James Russell for an LOC meeting which was very good.

7334. Brian Coulter reported that he had no formal arrangements in Northern Ireland but was working towards it. Both he and Nick Rumney had visited Optometry Northern Ireland and their colleagues in the Republic of Ireland in December 2010. They had also attended a presidential reception which had provided the opportunity for informal discussion with the optical professions from both parts of Ireland.

7335. **RESOLVED:**

that proposals for support for the Council Members in the devolved countries be brought to the March Council meeting

Business Plan/Strategy

7336. At the Council seminar in December the mission statement and strategic objectives had been agreed. Work was still underway by the Executive on how to deliver the plan. The final version of the strategic plan and the draft business plan would be brought to the February Council seminar. The final business plan and budget would be brought to the March Council meeting before the new financial year began.

Determinations of FTP hearings

7337. The Council received **Paper C(09)11** being the determinations of FTP hearings since November 2010.

Stakeholder engagement activity

7338. The Council received **Paper C(10)11** being information on GOC stakeholder engagement activity since April 2010.

Any other business

7339. No further items were raised.

Date and time of next meeting

7340. A Council seminar will be held at **10:00** on **24 February 2011** at 41 Harley Street, London W1G 8DJ.

7341. The next Council meeting will be held at **14:00** on **Thursday 24 March 2011** at 41 Harley Street, London W1G 8DJ.