

GENERAL OPTICAL COUNCIL

**Minutes of the 211th Public meeting of Council held on 23 July 2014 at 13:45
in the Buckingham Room, De Vere West One,
9-10 Portland Place, London W1B 1PR**

Present: Gareth Hadley (Chair), Morag Alexander, Brian Coulter, Paul Carroll, Peter Douglas (except paragraphs 8054 to 8061), Rob Hogan, Liam Kite, Fiona Peel, James Russell, Helen Tilley and Selina Ullah.

GOC attendees: Samantha Peters, Alistair Bridge, Linda Ford, Simon Grier, Lisa Harmshaw, Mandie Lavin, Josephine Lloyd, Nancy Mafico, Holly Perry, Manori Izni-Muneer (paragraphs 8084 to 8086), Marta Poczowska (paragraphs 8087 to 8088) and Jenna Quinn.

Public gallery: Alan Tinger, LOCSU; Joe Ayling, *Optician magazine*; Ryan O'Hare, *Optometry Today*; Meena Ralhan, *Optical Compliance Manager, Group Legal, Tesco Stores Limited*.

Welcome

8054. The Chair welcomed everyone to the 211th public meeting of Council.

Apologies

8055. Apologies were received from Scott Mackie.

Declaration of members' interests

8056. No interests were declared.

Minutes of the 210th meeting held on 14 May 2014

8057. The minutes were **approved** as a true and accurate record.

Updated Actions – paper C25(14)

8058. In relation to action point 11(14) Council **noted** that the Chair of Council and the Chair of the Remuneration Committee (RemCo) were discussing the provision of independent advice for RemCo with a view to securing such advice ahead of considering the setting of fees for Council and committee members with effect from 1 April 2015. Council **noted** the remaining updated actions as circulated.

Matters Arising

8059. There were no matters arising from the minutes of the last meeting held on 14 May 2014.

Illegal Practice Strategy – paper C26(14)

8060. Council **received** a report on the outcome of the GOC's consultation on its proposed Illegal Practice Strategy, which had been the subject of a 12-week public consultation.

8061. Council **noted** the following points:

- a total of 31 responses had been received from a wide range of stakeholders, including members of the public - most stakeholders had been positive about, and largely supportive of, the strategy;
- the broad, multi-pronged approach reflected in option three represented the best approach to tackling illegal practice;
- a suggestion arose out of the consultation that the planned code of practice on the online supply of contact lenses should be extended to cover the online supply of spectacles. The Executive advised that the online supply of spectacles was a lower risk to the public than online supply of contact lenses and that it was not proportionate to cover online supply of spectacles within the strategy at present, although this would be reviewed once the code of practice on contact lenses had been developed;
- the GOC would continue to deal with complaints of illegal practice in line with the GOC's prosecution protocol and would look particularly closely at complaints in relation to illegal supply to children;
- given that there was no immediate prospect of securing legislative change at the present time, the GOC would continue to do what it could to address illegal practice within the current statutory framework while also considering what changes to legislation might be desirable in the longer term;
- the next phase of the work was to implement the strategy which would involve ongoing consultation and stakeholder engagement;
- the impact of the strategy would be monitored and evaluated; and
- the next stage of the work would be focused on designing the code of practice and planned consumer information with a view to launch in Spring 2015.

8062. Points raised during discussion were as follows:

- in the longer term it would be advisable to explore how the legislation could be usefully changed and explore the idea of extending the code of

practice to tackle the illegal online supply of spectacles;

- the question of whether the public prosecutor could play a bigger role in dealing with illegal practice was raised and the Executive advised that the Crown Prosecution Service saw the GOC as responsible for pursuit of offences under the Opticians Act;
- it would be necessary to engage with a wide range of other agencies in implementing the strategy, including the Trading Standards Institute;
- the GOC should continue to gather evidence of the risks attached to the activities that are restricted under the Opticians Act, and it was suggested that it would be useful to analyse information gathered through the Fitness to Practise (FTP) process in order to identify and report on any trends;
- clarification would be requested from ABDO as to the meaning of the phrase “complex prescriptions” in their response to the consultation (referred to in paragraph 63, Statement on the outcome of the consultation on illegal practice July 2014).

8063. Council:

- **commended** the Executive on the high quality of the paperwork;
- **noted** the analysis of the consultation responses;
- **approved** the draft statement on the consultation outcome;
- **delegated authority** to the Chair and Chief Executive and Registrar to sign off the final version of the statement prior to publication; and
- **noted** that the Executive would bring an update to the Council meeting on 12 November 2014.

Equality, Diversity and Inclusion Scheme (EDI) – paper C27(14)

8064. Council **received** a report on the consultation on the EDI scheme. Council **noted** that whilst responses to the consultation had been small in number, the quality of responses was high and demonstrated considerable engagement with the process by stakeholders. The majority of comments had been incorporated into the revised version of the Scheme attached to the paper.

8065. Council raised the following points in discussion:

- the EDI Scheme would greatly benefit registrants, end users of services as well as GOC staff – it also aimed to have a beneficial impact in terms of how registrants interacted with service users;
- assurances were sought regarding the deliverability of the Scheme. The Executive acknowledged that it was important to be realistic about what would be achieved via the Action Plan;
- Council **requested** that Objective 4 of the Scheme needed to include a

statement that the new GOC premises would be accessible in all aspects;
and

- championing the work on EDI was important for Council, and it was hoped that a similar sentiment would be reflected through the whole organisation.

8066. Council:

- **commended** the Executive on the high quality of the work;
- **noted** the summary of the consultation responses;
- **approved** the final draft EDI Scheme 2014-17 for publication;
- **delegated authority** to the Chair and Chief Executive and Registrar to approve the final Action Plan for publication, to ensure that timelines were realistic and capable of being resourced both alongside and in the context of other GOC priorities;
- **delegated authority** to the Chief Executive and Registrar to approve the Equality and Diversity monitoring report 2013 which was still being finalised; and
- **noted** the timeline for the future work.

Report from the Chair of the Council – paper C28(14)

8067. Council **received** a report from the Chair updating members on his activities since the Council meeting on 14 May 2014.

8068. Council **noted** that Northern Ireland had made considerable advances since the Chair's last visit and was making significant progress in relation to enhanced services.

8069. Council **noted** progress with the Standards Review project, which was a major project in the three year strategic plan. As the regulator for the optical professions, the GOC had the statutory responsibility to protect the public by promoting high professional standards. This was particularly important given the developments in the delivery of eye care, including the opportunities for optometrists and dispensing opticians to provide enhanced services in the community. The standards review had three objectives:

- to clarify the GOC's statutory role in promoting high standards, including the GOC's role in providing guidance;
- to produce clear standards of ethics and performance that were clear to registrants, met public expectations and reflected good practice, including the recommendations of the Francis Inquiry. These new standards of ethics and performance would replace the GOC's current code of conduct; and
- to ensure that standards of competence, and systems of regulation more generally, enable developments in optical practice that benefit patients

and the public.

8070. Council **noted** that the review would be publicly launched on 31 July 2014 with the publication of a 'call for evidence'. This would be an open consultation, seeking stakeholders' initial views, and would run until mid-October 2014. It would be followed by further consultations in the first half of 2015 before any changes were made to the GOC standards throughout the review.
8071. Council **noted** that it would be essential for the GOC to work closely with stakeholders,
8072. Council **noted** that the review was crucial in ensuring that the GOC fulfilled its statutory role effectively, and in ensuring that regulation helped rather than hindered changes in optical practice that would be of benefit to patients. Reports would be made to Council on progress with the project at all meetings of Council for the foreseeable future.
8073. Council **noted** the Chair's report.

Chief Executive and Registrar's report paper C29(14)

8074. Council **received and noted** the content of the Chief Executive and Registrar's report.
8075. Council **noted** the change in reporting format in respect of the quarterly review, which now comprised a financial report, a performance report, and a report from the Chief Executive and Registrar. The format would be further developed and embedded during 2014/15, and Council's feedback was **invited**.
8076. Council **noted** that the Law Commissions' Bill 'Regulation of Health and Social Care Professionals' had not been included in the Queen's Speech. This was disappointing, as the optical community had wholeheartedly engaged with the Law Commissions' inquiry. The GOC would continue to explore other avenues for taking forward the relevant aspects of the Bill, as appropriate, with other healthcare regulators.
8077. Council **recorded** its thanks for the assistance received from a number of stakeholders during the transition to a new supplier for the administration of consumer complaints.
8078. Council **noted** that the Director of Regulation would be leaving the GOC at the end of December 2014 to take up the role of Chief Executive of the

Chartered Institute of Legal Executives. Council **endorsed** the Chief Executive's commendations in relation to Mandie Lavin's contribution to the work of the GOC, and wished her well in her future role.

Professional Standards Association (PSA) Performance Review Report 2013/2014 – paper C30(14)

8079. Council **received** the PSA Performance Review Report 2013/14.
8080. Council **noted** that the GOC was one of only four healthcare regulators to have met all 24 standards of good regulation, the others being General Medical Council (GMC), Health and Care Professions Council (HSPC) and General Osteopathic Council (GOsC).
8081. Council **noted** the key highlights as set out at paragraph 10 of the paper and that the PSA expected to see continued maintenance of the standards achieved. Council **discussed** the slippage in the time taken to deal with interim orders and **noted** the PSA's concern that there was a risk of failing this standard in future if there was no improvement. The new FTP Rules and role of case examiners were expected to help improve the time taken to issue interim orders.
8082. Council **noted** that the PSA, whilst acknowledging the delay in the standards review project was caused by its expanded scope, would be closely monitoring progress with the project.
8083. Council **recorded** its thanks to the Executive for their work which had resulted in the GOC meeting all the standards, and **noted** that the review for 2014/15 would begin in September 2014.

Financial Performance Report – paper C31(14)

8084. Council **received** a paper providing the financial performance report for the two-month period ending 31 May 2014. The Director of Resources reported that she had reviewed the figures for the full quarter to 30 June 2014 and assured Council that there were no further emerging issues to report and that performance continued to improve.
8085. Council **noted** that the:
- Executive had taken a conservative view in respect of the first quarterly forecast, principally in order to ensure that the GOC continued to manage its finances prudently;
 - phasing of the budget throughout the year was an area for further development requiring budget holders to undertake training and development to understand the need for proper phasing;

- £305k underspend had been revised to £150k following work undertaken to rephase budget expenditure so that it better reflected the expected timing of future expenditure;
- balance on the special reserves had been reduced compared to the budget as a result of the double costs incurred when new premises obtained for use as hearing venues needed to be set up, and hired venues had to be used during the period of works. The cost of hiring venues had not been included in the budget;
- cost of the CRM project had not yet affected the accounts as depreciation as the system was not yet live; and
- that the Director of Resources had confirmed that the surplus as at 31 May 2014 was £159k and would re-issue the annex to Council.

8086. Council **noted** the financial performance report and the actions being taken to address the financial performance in 2014/2015. Council **requested** that the Executive look further at the reasons for the 15% variance on expenditure against budget. Council **noted** that the Executive would produce a financial performance report for Council to be considered by circulation in September 2014.

Performance Report Q1 2014/15 – paper C32(14)

8087 Council **received** and **noted** the quarterly performance report in a new format and commented favourably on the new structure and grouping of information. Council **noted** that the apparently low figure (64%) of registrants reported as having renewed their registration was due to the timing of the issue of the report. Council **noted** that the introduction of case examiners was having a positive impact on performance in relation to the objective of speeding up the time taken to deal with FTP cases. It would continue to be carefully monitored.

8088. Council **discussed** the variance in year-on-year data in visitors to the GOC website and **noted** that this might be accounted for by the interest generated when the CET process was put online in quarter one of 2013/14. Council **noted** the Executive would review this indicator. Council **noted** the corporate complaints process would be reviewed and that the Chief Executive would revert to Council with the number of corporate complaints dealt with in the year to date.

Anti-bribery, money laundering, fraud, theft and corruption policy – paper C33(14)

8089. Council **received** the Anti-bribery, money laundering, fraud, theft and corruption policy (known as the ‘anti-bribery policy’) and **received** an oral report from the Chair of the Audit and Risk Committee (ARC) in relation to the policy, which had been reviewed at the Committee’s meeting held on 22 July 2014.
8090. Council **noted** the suggested changes to the ARC terms of reference and agreed that ARC would no longer have responsibility for approving the policy.
8091. Council **noted** the advice from ARC that the policy be amended so that it included everyone with whom the GOC engaged, for example, registrants and other stakeholders, in respect of their dealings with us. Council were **content** with this amendment and **delegated authority** to the Chair of Council and the Chair of the ARC to agree the final version before publication.
8092. Council **noted** the risk assessment which had been carried out and the advice from the ARC in relation to the high risks
- Risk 8 (performing credit checks on those handling the charity’s finances) – Council **noted** that the ARC considered that this risk had been scored too highly as the GOC did not handle large amounts of cash. In addition, ARC assured Council there were sufficient controls in place (which had been subject to internal audit during the year) and that it would be disproportionate to carry out credit checks which might have an adverse effect on an employee’s ability to obtain credit as a result. Council were **content** with this advice and **requested** that the risk assessment be amended accordingly and;
Risks 13, 14, 15 (having an anti-bribery policy, gifts and hospitality policy and Code of Conduct in place) – Council noted that these risks would be mitigated once the relevant policies were in place. Council **noted** that a new Gifts and Hospitality policy would be brought to ARC for consideration in the Autumn and thereafter to Council and that the Code of Conduct would be reviewed during 2014/15.
8093. Council **noted** the risk assessment which had been carried out and the advice from the ARC in relation to the medium risks:
- Risk 4 (clear policies on access to bank accounts) – Council **noted** the ARC’s concern in relation to the current arrangements for one member of staff to withdraw cash via a credit card (as a mechanism for petty cash). Council noted that the Executive had confirmed this arrangement would be reviewed;

- Risk 6 (employee/trustee connections with suppliers): Council were **content** with the advice from ARC that such connections should be notified and a register maintained;
- Risk 9 (unspent convictions): Council agreed with the advice from ARC that that all employees be asked annually (as part of their annual update of personal details) to confirm that they had no unspent convictions. In addition, Council **agreed** with the advice of ARC that there should be a basic criminal record check carried out on employees above a certain level for the purposes of probity and reputational protection, prior to commencement of employment; and
- Risk 12 (assessing awareness and understanding of financial crime): Council **noted** the communications plan and processes and agreed with the advice from ARC that preventing and detecting bribery and corruption be included as part of induction and annual declarations. Relevant examples of how to spot bribery, money laundering etc should be provided to all members and employees as part of induction and/or training and that members and employees should be required to confirm that they had received, read and understood the policy.

8094. Council **approved** the public statement on Anti-bribery and corruption subject to the changes agreed at the meeting.

GOC Sustainability: statement of intent – paper C34(14)

8095. Council **received** a draft sustainability statement and **noted** that the measures taken in relation to sustainability had had an immediate positive impact and staff had responded well. Council also **noted** that the measures taken had put the GOC ahead of pending legislation which would require businesses to recycle more of its waste.

8096. Council **agreed** and **adopted** the Statement of intent on sustainability and also **agreed** that the Statement should be published.

Any other business

8097. There was no other business.

Date and time of next meeting

8098. The next public meeting of Council would be held on **Wednesday 12 November 2014** in the Buckingham Room, De Vere West One, 9-10 Portland Place, London W1B 1PR.

8099. The meeting closed at 15:40.