

GENERAL OPTICAL COUNCIL

Minutes of the 206th Public meeting of Council held on 16 May 2013 in the Lutyens Room at RIBA, 66 Portland Place, London, W1B 1AD

Present: Gareth Hadley (Chair), Morag Alexander, Paul Carroll, Brian Coulter, Peter Douglas, Robert Hogan, Liam Kite, Fiona Peel, James Russell and Helen Tilley

In attendance: Samantha Peters, Alistair Bridge, Nicola Ebdon, Mandie Lavin, Simon Grier, Julian Carpenter (7846 to 7848) and David Sykes.

Apologies

7828. Apologies were received from Scott Mackie and Selina Ullah.

Declaration of members' interests

7829. No new or additional interests were declared.

Minutes of the 205th meeting held on 27 March 2013

7830. The minutes of the meeting held on 27 March 2013 were approved subject to the following amendments **requested** by Council:

- 7790 – the first bullet point to be amended so that it read: ‘the process *for* appraisal for the Chief Executive/Registrar...’
- 7798 – the first sentence to be amended so that it read: ‘Council received *a paper* which outlined the intended selection process...’

Updated Actions – paper C17(13)

7831. Council **noted** the updated actions as circulated and discussed the following actions:

- PAP 6 (7809) – Council **noted** that no feedback had been received from Committee members following the Chair’s letter to them advising them that there would be no change in member fees and that Council members would be appointed as Committee Chairs and members; and
- PAP8 (7824) – once the Chair of the Audit and Risk Committee had confirmed in writing that he was satisfied with the Reserves Policy this action would be closed.

Matters Arising

7832. There were no matters arising.

Chair's Report – paper C18(13)

7833. Council **received** a report from the Chair updating members on his activities since his appointment on 19 February 2013. The Chair **requested** that Council members notify him of any other areas they would wish him to cover in future reports to Council.

Quarterly Review – Q4 – paper C19(13)

7834. Council **received** a paper updating them on activities undertaken by the Executive during quarter four 2012/13 which included financial report for the same period. In introducing this item the Chief Executive and Registrar explained that the Executive shared a determination to address the financial situation as a priority and assured Council that cost control methods continued to be implemented and were being worked through. The Chair reinforced the need for Council to exercise its responsibilities regarding the stewardship of the GOC's finances. Council **agreed** the Chair's proposal that Council should itself undertake the Finance Committee role and that, to that end, (a) the finance elements of future quarterly review papers would be discrete, and (b) their consideration would be listed as a specific agenda item. Council also **agreed** that, as a consequence, there was no need to establish a separate Finance Committee.
7835. Council **noted** that future quarterly reports would ensure changes in the Nations were included in the Horizon Scanning section of the report. Brian Coulter provided a verbal update in respect of his attendance at the Optometry Northern Ireland AGM held on 13 May 2013.
7836. Members wished to ensure that the GOC continues to strike the appropriate balance between keeping costs down and undertaking extra work in light of external drivers such as requests from the PSA and the Francis Inquiry.

Work undertaken by the Audit Committee during 2012/13 – paper C20(13)

7837. Council **received** a paper which highlighted the work undertaken by the Audit Committee during the period April 2012 to March 2013. Council **noted** that the Audit Committee had delegated authority from Council to appoint internal auditors and to review the appointment and tenure of the external auditors and to make recommendations to Council in that regard.
7838. In **noting** that the Audit and Risk Committee had expressed concerns about the level of internal controls, the Chair explained that it was

incumbent upon Council members to fully understand the GOC's financial processes.

7839. Council **noted** the contents of the report.

Francis Inquiry– paper C21(13)

7840. Council **received** a paper analysing the recommendations from the Francis inquiry and the Government response. The paper made recommendations as to how the GOC should respond.

7841. Council **noted** that both the Nursing and Midwifery Council (NMC) and the General Medical Council (GMC) had taken an early view on their response to the Inquiry's recommendations – but that there were implications and lessons to be learnt for all healthcare practitioners. Both the Chief Executive and Registrar and the Chair had met their counterparts at the General Dental Council (GDC) and General Pharmaceutical Council (GPhC) to share views and identify areas of commonality arising from the report findings. It was **suggested** that it was important to develop a cohesive culture with other healthcare organisations to enable professionals to raise concerns. Professional and education bodies had a role in establishing the right environment for the duty of candour.

7842. In **discussion** Council recognised that there was a need to take the initiative to encourage appropriate behaviours and support professionals. It was **suggested** that the statutory advisory committees be engaged in considering the Council response. It was **recognised** that the optical sector's risk profile was lower than that of medicine and nursing and that the recommendations in the Inquiry's report would need to be considered and applied with appropriate proportionality.

7843. Council **considered** those issues considered pertinent to the GOC that had been identified by the Executive following a review of the Inquiry and the Government response. These comprised:

- considering how the organisation handled complaints including speeding up the FtP process, how the GOC shared information, taking a proactive approach and supporting witnesses effectively;
- openness, candour and raising concerns including considering whether GOC rules and guidance needed strengthening in respect of raising concerns and whether there was a need to show more leadership in encouraging such a culture in the professions;
- considering GOC standards and education including ensuring sufficient emphasis on care, compassion and working with vulnerable groups;

- considering how the GOC regulated businesses and students including consideration of what constituted effective supervision and the appropriate working environment for registrants;
- considering how the GOC might raise its public profile; and
- considering whether the GOC needed to strengthen the connection between the Executive and lay Council members and the frontline of the profession.

7844. In reviewing the table of issues for the GOC to consider Council **agreed** those issues selected were appropriate and further **agreed** that priority should be given to strengthening the GOC's existing rules, guidance, education and support in respect of registrants raising concerns and that work be undertaken to ensure that the GOC's Code of Conduct for registrants (including business registrants) and core competencies placed sufficient emphasis on care and compassion. It was **noted** that an area for consideration in any future legislative change was unregistered dispensing in care homes and other domiciliary settings.

7845. Council **considered** whether, as part of the review of business regulation, the GOC ought to bar unfit lay persons from acting as a director of a GOC-registered business. However, it was felt that this issue, and that of practice inspections, were of a lower priority than other activities listed in the paper.

Guidance on Fitness to Practise Rule 16 – paper C22(13)

7846. Council **received** a paper that sought Council's agreement to a focussed consultation on the draft fitness to practise guidance on Rule 16, prior to final Council approval and issue for use by the Investigation Committee. The guidance would support those making and determining Rule 16 applications which involved review and possible cancellation of cases previously referred to the FtP Committee.

7847. Council **noted** that the draft guidance explained what was already occurring in practice.

7848. Council **agreed** the draft guidance for consultation subject to setting out timescales for invoking the Rule and that a focussed consultation of three months be undertaken with key stakeholders including: registrants' defence bodies and membership organisations, patient groups, solicitors, departments of health and the Professional Standards Authority. It was also **agreed** that Council would consider the consultation findings and approve the finalised guidance at its November 2013 Council meeting.

Nominations Committee Terms of Reference – paper C15(13)

7849. Council **received** a paper that sought approval of the new terms of reference for the Nominations Committee which had been discussed by members of the Committee by teleconference on 3 May 2013.
7850. Following consideration of the draft terms of reference, issues raised in the paper and the recommendations of the Nominations Committee members, Council **agreed**:
- the proposed terms of reference which will come into force with immediate effect subject to the duties of the Committees being separated as an annex to the terms of reference;
 - that the Council Chair be appointed 'ex officio' as the Nominations Committee Chair;
 - that the Committee be delegated authority in respect of approval of:
 - processes for the appointment, reappointment, appraisal, evaluation, induction and training of Council, non-Statutory Committee (Audit and Risk, Remuneration and Nomination), Statutory Committee (Investigation, Education, Standards, Registration and Companies) and Hearing Panel Members (inc. legal, clinical and other advisers to the Fitness to Practise and Registration Appeals Committee);
 - the appointment of candidates to fill Statutory Committee and Hearing Panel Member vacancies as and when they arise (operating as a Selection Panel);
 - evaluation of the balance of skills, knowledge and experience on the Statutory Committees and Hearing Panels (excluding Council Members) and in the light of this evaluation agree role description and person specifications for a particular vacancy (or set of vacancies); and/or
 - the re-appointment of any Statutory Committee and Hearing Panel Members (excluding Council Members) at the conclusion of their specified term of office having given due regard to their performance and ability to continue to contribute in the light of the knowledge, skills and experience required;
 - that transitional arrangements may need to be applied in relation to the recruitment of a member of the Investigation Committee which was currently underway.
7851. Council **agreed** to constitute the Committee immediately as a standing committee having taken into account implications on budget.

Council members on Committees and Committee Chairs – paper

C24(13)

7852. Council **received** a paper seeking their agreement to the appointment of Council Members and Committee Chairs to the statutory and non-statutory advisory Committees.
7853. Council **affirmed** the decision taken via email to appoint Morag Alexander (as Chair) and Liam Kite to the Registration Committee and appoint Fiona Peel and Selina Ullah as Chairs of the Companies and Standards Committees respectively.
7854. Council **agreed** to appoint the Council Members appointments to the advisory committees (as recommended by the Chair) as follows:
- Audit and Risk Committee – Peter Douglas (Chair), Morag Alexander and Rob Hogan;
 - Remuneration Committee – Liam Kite (Brian Coulter (Chair) and Gareth Hadley are ex-officio members);
 - Nominations Committee – Paul Carroll and Selina Ullah (Gareth Hadley (Chair) is an ex-officio member);
 - Companies Committee – Helen Tilley (as from January 2014 if a vacancy exists due to maximum membership requirements); and
 - Education Committee – Brian Coulter (Chair), Fiona Peel (to fill casual lay member vacancy) and Scott Mackie.

General Optical Council Values – paper C25(13)

7855. Council **received** a paper updating them on the implementation of the General Optical Council (GOC) values. The Chief Executive and Registrar confirmed that work was underway to embed the values in practice and develop the mechanisms for challenging poor behaviours.
7856. Council **endorsed** the development of a set of common behaviours for appraisal and the plan to pilot the behaviours in the 2013 staff appraisals. Furthermore, Council **agreed** to pilot the behaviours for the 2013 Council appraisals.
7857. Council **noted** that the perceptions of the Council's delivery of its values had been measured through the stakeholder surveys and **confirmed** its previous decision to set baselines for monitoring for the next strategic planning cycle.
7858. The Chief Executive and Registrar **thanked** Linda Ford (Head of Standards and Education) for the leadership role she had undertaken in developing the behaviours.

Any other business

7859. There was no other business.

Date and time of next meeting

7860. It was **noted** that the date of the next meeting was Thursday 11 July 2013.
The time and venue was to be confirmed.

7861. There being no other business the meeting concluded at 14:50.