

**GENERAL OPTICAL COUNCIL**

**Minutes of the 210th Public meeting of Council held on 14 May 2014 at 14:00 in the De Vere Conference Centre, 17 Portland Place, London, W1B 1PR**

- Present:** Gareth Hadley (Chair), Brian Coulter, Paul Carroll, Peter Douglas, Rob Hogan, Liam Kite, Scott Mackie, Fiona Peel, James Russell, Helen Tilley and Selina Ullah.
- GOC attendees:** Samantha Peters, Alistair Bridge, Nicola Ebdon, Linda Ford, Simon Grier, Lisa Harmshaw, Manori Izni-Muneer (paragraphs 8017-8035), Mandie Lavin, Josephine Lloyd, Holly Perry, Philip Hallam (paragraphs 8038-8041) and Keith Watts.
- Public gallery:** Joe Ayling, *Optician magazine*; Jo Mullin, College of Optometrists; Ryan O'Hare, *Optometry Today*; Meena Ralhan, Optical Compliance Manager, Group Legal, Tesco Stores Limited.

**Welcome**

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8017. The Chair welcomed everyone to the 210th GOC Public Council meeting.

**Apologies**

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8018. Apologies were received from Morag Alexander.

**Declaration of members' interests**

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8019. No interests were declared.

**Minutes of the 209th meeting held on 12 February 2014**

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8020. One amendment was **requested** to the minutes of the meeting held on 12 February 2014 at paragraph 7997 (change 'harmonious' to 'wholly congruent'). Subject to the amendment, the minutes were **approved**.

**Updated Actions – paper C16(14)**

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8021. Council **noted** the updated actions as circulated. Council were content with the progress to engage with all the nations regarding the work they were doing in order to share learning, developments and best practice, which was being led by the Director of Policy and Communications. Council therefore **requested** that action 2(14) be removed from the list.

## **Matters Arising**

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8022. There were no matters arising from the minutes of the last meeting held on 12 February 2014.

## **Report from the Chair of the Council – paper C17(14)**

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8023. Council **received** a report from the Chair updating members on his activities since the Council meeting on 12 February 2014.

8024. Council **noted** the that Chair, Helen Tilley, the Chief Executive and Registrar and other members of the Executive had met with the Professional Standards Authority (PSA) on 27 February 2014 to respond to questions arising from the submission of the GOC performance review 2013/14. It was **noted** that it was understood to be the case that the GOC was the only regulator to include registrant Council members in these annual meetings. Council **welcomed** the attendance of registrant Council member Helen Tilley, and **noted** that the PSA had previously commented that it was helpful to include Council members as they could provide additional information and context.

8025. Council **noted** the proposed format for members' appraisals and a proposal from the Chair to only seek third party feedback on Council members' performance in the year when consideration of reappointment was being undertaken. Council **agreed** with this arrangement.

8026. Council **noted** the process for the appraisal of the Chief Executive and Registrar which would be administered by a chartered occupational psychologist experienced in working with top teams.

8027. Council **noted** the various meetings attended in particular:

- the meeting with the Chair, Chief Executive and Registrar, Director of Policy and Communications and Scott Mackie with the Scottish Government Healthcare Regulatory team on 9 May 2014. Council were **advised** that the meeting had provided insight and understanding on the Scottish approach to healthcare and their relationship with various healthcare providers, which differs from the other three devolved nations. It was **noted** that the situation in Scotland was especially significant in the context of the approaching referendum on independence. In addition, the briefing had provided the opportunity to share GOC priorities and needs, how the four nations could provide support to each other and the opportunities presented by our own Standards Review Project; and
- the meeting with Optometry Scotland (OS), also on 9 May 2014. Council were **advised** that the meeting had provided useful insight on

how OS engages with the Scottish Government and members as well as feedback on various eyecare developments, particularly in relation to the significant advances in independent prescribing. Council **noted** the very positive response from OS in relation to the GOC work on the Standards Review Project.

8028. Council **welcomed** the various networking opportunities across a broad range of stakeholders and **noted** that the Chair would shortly be visiting Northern Ireland, followed by Wales.

#### **Quarterly Review (quarter 4, January-March 2014) – paper C18(14)**

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8029. Council **received** the quarterly review updating them on activities undertaken by the Executive during the final quarter of 2013/14. Items of particular interest to Council and discussed further were:
- paragraph 17.1 – Council **noted** that the target (preparing cases for a formal hearing before the Fitness to Practise (FTP) committee) for service of notice and other documents on the Hearings Manager within seven months of the referral of the case by the Investigation committee had been met in 67 per cent of cases whereas the target was 80 percent. Council **questioned** whether that target had been set at the right level. Council **noted** that work to refine performance indicators was underway and that an end-to-end target would be used in the future to take account of the progress made in reducing the timeframe between the receipt of a complaint and the FTP committee decision. In addition, the new FTP Rules were now operational and timeframes for case examiners would also be built in;
  - paragraph 17.2 – Council **noted** that staff turnover remained above the CIPD average for the year and **asked** about the steps being taken to address this. The Executive advised that the high turnover was partly as a result of the way in which the figures were calculated, for example, if an employee moved from an interim post/contract to a permanent one, this was recorded as turnover. The size of the organisation was also considered to be a factor as offering colleagues advancement of opportunity was not always possible. Council **suggested** that it might be more useful to benchmark GOC turnover against other regulators or organisations of a similar size, instead of the CIPD average, which covered all employers;
  - paragraph 88 – Council **noted** that the Education committee had welcomed the restructure in the Education and Standards department which brought with it additional resources and a more appropriate structure to allow the departmental head to focus on the Standards Review Project;
  - paragraph 102.1 – Council **noted** that GOC representatives had

attended the Scottish Intercollegiate Guidelines Network (SIGN) open meeting to discuss national glaucoma guidelines. Scott Mackie **advised** Council that the current system in Scotland was under review and that a consultation was currently underway to improve patient experience by enabling better understanding of the benefits of treatment in the community; and

- Annex 4, paragraph 16 – Council **questioned** why the ‘failure to apply’ for retention was proportionately higher for dispensing opticians. The Executive **agreed** to follow this up and provide any known reasons to Council. It was **noted** that the total numbers of registrants failing to apply were low.

8030. Council **noted** that the Chief Executive and Registrar had given a speech at the Optical Confederation Conference in London on 13 May 2014, which had been extremely well received. The speech had outlined the benefits of moving to a new legislative framework, and that it was necessary to ensure that any change carried with it the interests of service users, registrants and body corporates to ensure the appropriate statutory powers were in place to protect the public. Council **noted** that the speech would be circulated to members and published on the GOC website.

8031. Council **thanked** the Executive for the amount of work undertaken during the last quarter which they felt was being effectively managed.

8032. Council **noted** that this was the last time that the Quarterly Review would be presented in the current format and that a new format of Performance Review, which came into effect from 1 April 2014, would be presented to Council in July 2014.

#### **Financial Performance Report – paper C19(14)**

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8033. Council **received** a paper providing the financial performance report for the year ending 31 March 2014. Council **noted** that the draft outturn for the year showed a surplus of £379k compared to a budgeted £26k surplus; an overall positive variance of £352k. Council **noted** that the majority of the surplus was the result of a successful business rates rebate from Westminster City Council which related to earlier years.

8034. Council **noted** that there were a number of actions which required completion before the financial statements could be drafted so that the external audit could begin in mid-June 2014. This included agreeing accounting policies (which the Audit and Risk committee were due to consider on 19 May 2014) and the treatment of the property asset. In addition, Council **noted** that the Executive had identified £320k

expenditure on legal fees for the year which was likely to fit under one of the categories for expending it to the legal contingency reserve, however further work on the full analysis of costs was required before this could be confirmed. Council **noted** that they would receive a full listing of any reconciling items needed once the external audit had been completed and the financial statements had been finalised for signing.

8035. Council **thanked** the Executive for the collaboration between teams, the increased vigilance in the monitoring of finances and the improved quality of forecasting, which Council felt gave them assurance that the GOC finances were being properly managed.

#### **Francis Inquiry update – paper C20(14)**

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8036. Council **received** an update on the progress made in implementing the action plan to address the Francis Inquiry's findings as well as a proposal to take forward a further eight actions to further enhance the GOC's response, which were to:
- reflect the values of the NHS Constitution in our code of conduct as part of the standards review project;
  - consider adopting three tier standards as part of the standards review project (fundamental, enhanced quality and developmental);
  - consider which bodies we need to systemise the exchange of information with, for example professional bodies, employers, the NHS and other regulators;
  - consider whether our employers' FTP guidance is sufficiently clear that an internal disciplinary investigation can run parallel with an FTP investigation;
  - consider how we communicate with complainants, including in respect of ensuring they fully understand our role;
  - consider training to ensure all staff are able to recognise what should lead to an FTP case, particularly in respect of information received in an informal way (e.g. verbally, via social media, etc.);
  - consider any necessary actions in respect of language testing; and
  - seek to change system of business regulation to help us tackle systemic concerns given the lack of an independent systems regulator for optics.
8037. Council **noted** the progress made to date and **agreed** the further eight actions. In particular Council **welcomed** the action to systemise the exchange of information, particularly with the devolved nations, which Council considered was critical in understanding priorities and divergent views. Council also felt that there was a need for clear guidance for employers to ensure they were aware of their responsibilities in notifying

the GOC and clarifying the relationship between internal disciplinary processes and the GOC' FTP process.

**GOC approach to dealing with requests for change of gender identity**  
– paper C21(14)

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8038. Council **considered** a draft process and guidance relating to the way in which the GOC would approach requests from registrants who wish to change their gender identity on the register. Council were **reminded** that the process and guidance had been drafted to assist the GOC in ensuring compliance with the Gender Recognition Act 2004, The Equality Act 2010 and The Data Protection Act 1998.
8039. Council **thanked** the Registration committee for their feedback and input in the development of the application form, guidance and process.
8040. Whilst Council **acknowledged** that the arrangement did not provide a long-term solution, Council **considered** the process and guidance to be proportionate as an interim measure pending changes proposed in the recent publication of the Law Commissions' report and draft Health Bill which were likely to provide regulators with powers of voluntary removal which would be more effective in delivering public protection.
8041. Council **approved** the application form, guidance and process.

**Education Visitor Panel remuneration** – paper C22(14)

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8042. Council **noted** a proposal to amend the remuneration of Education Visitor Panel (EVP) members from a daily fee of £270 to an annual fixed fee of £6,000 with effect from 1 June 2014.
8043. Council **noted** that this proposal was being made as the 2014 visit schedule would require an increased level of visits (in comparison to the previous two years) and as this upward trend was expected to continue it had been necessary for the Executive to consider how to maintain the required level and standard of accreditation and quality assurance visits whilst achieving efficiency gains to ensure the activity could be achieved within budget.
8044. Council **noted** the view of the Education committee and that EVP members had been consulted, although some were yet to reply fully on their acceptance of the proposal.
8045. In **agreeing** to implement the annual fixed fee of £6,000 with effect from 1 June 2014, Council **noted** that, given the consultation with all EVP

members had not yet been wholly completed, it was possible that further changes might be subsequently proposed.

8046. Council also **noted** that the Remuneration committee (Remco) had requested that the Executive undertake a limited consultation exercise to determine the level of support and feasibility of implementing a second option which would vary the Panel size and constitution in time for consideration as part of the 2015/16 budget.

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**Remuneration committee (Remco): terms of reference – paper C23(14)**

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8047. Council **received** recommended amendments to the terms of reference for Remco following the Committees annual review of its terms of reference in March 2014. Council **noted** that the changes recognised best practice.
8048. Council were **reminded** of the decision taken in the Strictly Confidential meeting earlier, that, following interviews, the Selection Panel were not minded to appoint an independent member to Remco. Therefore Council **agreed** to amend point 2.2 of the terms of reference to remove the requirement to have ‘one fully independent member’ at this time. Subject to this amendment, the terms of reference were agreed.
8049. The Council Chair **agreed** to discuss with the RemCo Chair whether there was a need to appoint a fourth Council member to the Committee, and if they were minded to do so, they would bring forward a proposal to Council members in due course.

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**Council and Committee meetings in 2015 – paper C24(14)**

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8050. Council **noted** the proposed scheduling of Council and Committee meetings in 2015 and **agreed** the dates and times, subject to confirmation with Council and Committee members.

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**Any other business**

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8051. None.

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**Date and time of next meeting**

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8052. The next public meeting of Council would be held on **Wednesday 23 July 2014** and the time and location of the meeting would be confirmed in due course.
8053. The meeting closed at 15:10.