

GENERAL OPTICAL COUNCIL

**Minutes of the 207th Public meeting of Council held on 11 July 2013 at 13:00 in
the Buckingham Room at De Vere West One, 9-10 Portland Place,
London W1B 1PR**

Present: Gareth Hadley (Chair), Morag Alexander, Paul Carroll, Brian Coulter, Peter Douglas, Robert Hogan, Scott Mackie, Fiona Peel, James Russell, Helen Tilley and Selina Ullah.

In attendance: Samantha Peters, Alistair Bridge, Mandie Lavin, Josephine Lloyd, Marie Bunby (7877-7884), Julian Carpenter (7901-7910), Nicola Ebdon, Linda Ford, Philip Hallam (7989-7910), Lisa Harmshaw, Angharad Jones (7877-7884) and David Sykes.

Apologies

7861. Apologies for absence were received from Liam Kite.

Declaration of members' interests

7862. James Russell, Scott Mackie, Rob Hogan and Paul Carroll declared an interest as a 'user as trustee' in relation agenda item 8 (Student Regulation) and Helen Tilley, Scott Mackie, Rob Hogan and Paul Carroll declared an interest as a 'user as trustee' in relation to agenda item 9 (Business Regulation). These 'user as trustee' interests were noted but the members concerned were permitted to remain in the meeting during discussion on the items in question.

Minutes of the 206th meeting held on 16 May 2013

7863. The minutes of the meeting held on 16 May 2013 were approved without amendment.

Updated Actions – paper C26(13)

7864. Council **noted** the updated actions as circulated and discussed the following actions:

- PAP2 (7844) and PAP3 (7844) - Council **noted** that the Standards Project would commence in September 2013 and the Project Manager would be in place from 1 September 2013.

Matters Arising

7865. Minute 7844: It was **suggested** that, in strengthening the GOC's existing

rules, guidance, education and support in respect of registrants raising concerns, thought should also be given to supporting any staff that were employed by registrants.

Chair's Report – paper C27(13)

7866. Council **received** a report from the Chair updating members on his activities since the Council meeting on 16 May 2013. In discussion the following points were raised:
- that there was no compulsory training for optical assistants although NHS Scotland had now developed training programmes for this group;
 - that the Department of Health were aware of the GOC's timetable in relation to illegal practice and that the Department of Health had encouraged the GOC to take an evidence-based approach to the development of the strategy; and
 - that the stakeholder engagement strategy would be brought to the November 2013 meeting of Council for consideration and the paper would include a list of stakeholders across the four nations. Council noted that future quarterly reviews would include more information about stakeholder engagement.

Quarterly Review – Q1 – paper C28(13)

7867. Council **received** the quarterly review updating them on activities undertaken by the Executive during quarter one 2013/14.
7868. In **discussion** members **noted** the following:
- that staff turnover was consistently higher than the Chartered Institute of Personnel and Development (CIPD) average. It was **noted** that a number of HR processes were being developed which it was hoped would reduce turnover;
 - that initiatives arising from the information governance project which was reviewing and updating the information governance framework would be in line with the GOC values and be more proportionate to the GOC's size; and
 - the Core Activity Performance Indicator (CAPI) for Conduct Accreditation and Quality Assurance visits was set at 78 percent which seemed a low target. It was **noted** that the Executive felt that a 100 percent target would be unrealistic and would not reflect the ongoing transitions and developments in the optical education system. It was **agreed** that Council would consider the performance indicators as part of the next strategic planning round.
 - the CAPI regarding the percentage of registrants on target to meet the annual six point minimum was running at 67 percent in quarter one. It

was **noted** that the Executive tracked and monitored this indicator on a monthly basis and that a full report on the first year of operation of the CET scheme would be brought to Council for consideration in May 2014.

Financial Report – paper C29(13)

7869. Council **received** a paper containing the financial report for the two months ended 31 May 2013 and the forecast outturn for the year as at Quarter 1.
7870. Council **noted** that the Senior Management Team regularly reviewed the financial position every month, that the Executive teams were committed to identifying potential cost efficiencies, and that work was under way to refine the income forecast for the year. In line with the 203/14 internal audit work plan, a review of the GOC's legal costs and framework was also being undertaken by the internal auditors.
7871. Council **noted** that specific savings had been made in the areas of annual insurance costs, communications and recovery of FTP costs in a specific case and that work was ongoing on the recovery of overpaid business rates and corporation tax resulting from the GOC's registration with the Charity Commission and its charitable status.
7872. Council **considered** the report and the following points were **noted** from discussion:
- the financial performance to date and the first quarter forecast; and
 - the actions planned or under way, as detailed in paragraph 10 and 28-31 of the report.
7873. Council **noted** that previously, it had been the practice for legal advisers to be appointed by resolution of Council. Council **noted** that the Nominations Committee had delegated authority to agree the process for appointment of legal advisers and that the Committee would therefore consider and agree a process for appointment and would report its decision to Council in due course.

PSA Performance Review Report– paper C30(13)

7874. Council **considered** a paper and the annual review by the Professional Standards Authority for Health and Social Care (PSA) of the performance of the GOC and the other eight health and social care regulators that it oversaw.
7875. Council **noted** that the GOC was one of four healthcare regulators who

had met all of the PSA's 24 Standards of Good Regulation and that the GOC was considered an exemplar of good practice in some areas. The Council congratulated the Executive on this achievement. The Chair explained that the PSA had highlighted a number of areas that it would scrutinise during its next review, including the time taken to process FTP cases and the GOC's response to the Francis Inquiry recommendations.

7876. The Chair **reported** that the PSA viewed the GOC's recruitment processes for Council Chair and Members as demonstrating good practice in a number of areas. In particular the panel guide and how we managed to ensure consistency in assessment, our ability to attract younger applicants and how we presented our evidence to the PSA were identified as good practice and shared with the other health regulators. Thanks were extended to the Governance Team for their hard work in this area.

Student Regulation – paper C31(13)

7877. Council **considered** a paper which provided an update on the GOC review of student regulation project which aimed to identify the most proportionate means of ensuring that student optometrists and student dispensing opticians did not cause harm to the public and a draft consultation.
7878. It was **noted** that the GOC was the only healthcare regulator to regulate students. It was intended that the consultation should seek the views of stakeholders on the most effective and proportionate way to regulate student optometrists and student dispensing opticians.
7879. In discussion, Council **noted** that any proposal to remove the necessity of students requiring registration with the GOC would require legislative change and transitional arrangements.
7880. Council **agreed** the the draft consultation document for publication and the timeline for future work. Council **agreed** to delegate authority to the Chief Executive and Registrar, in consultation with the Chair, to sign off the final version of the consultation document.
7881. It was **noted** that the consultation would be launched on 24 July 2013 and would run until 2 October 2013. It was **suggested** that we should seek the views of pre-registration supervisors during the consultation. It was **noted** that the analysis of responses to the consultation would be brought to the November 2013 Council meeting.

7882. Council **received** a paper which sought Council's views on a draft consultation document on business regulation and provided Council with the final version of Europe Economics' research report. It was **noted** that the research report reflected the comments Council had previously made (in March 2013).
7883. Council **considered** the documents outlining the options for business regulation and Council's preferred option at the Council meeting in March 2013. It was **noted** that, following the round of consultation now proposed, should the GOC decide that it wished to implement its currently preferred option, there would be a need to be further consultation with the public to fully understand the impact of that option and how it could be implemented. In discussion Council **noted** that:
- the Companies Committee had provided comments on the initial draft of the report produced by Europe Economics. The Committee's comments had been taken into account by Europe Economics in finalising their report;
 - further work would be undertaken to evaluate the impact on sole traders of extending regulation to cover all businesses;
 - before finalising the report and consultation document account would be taken of comments from the Companies Committee and Council members;
 - there were some areas of the Europe Economics report where detailed and/or statistical evidence simply did not exist and thus it could not be further strengthened. Given this, it was necessary to draw on evidence from a range of sources; and
 - the Executive would be seeking further evidence as part of the consultation.
7884. Council felt that the Executive should not delay the opportunity to consult on business regulation and it was helpful to have such a range of options and questions to consider as part of the consultation. The Council meeting in November 2013 would provide the opportunity for a full discussion of the options. It was **agreed** that any further comments from Council members and Company committee members in respect of the Europe Economics report would be emailed to the Executive.
7885. Council **approved** the draft consultation document for publication; **noted** and **approved** the final Europe Economics' report for publication (at the same time as the consultation document) and **approved** the timeline for future work. Council **agreed** to delegate authority to the Chief Executive and Registrar, in consultation with the Chair, to sign off the final version of

the consultation document.

Approval of Annual Report and Accounts – paper C33(13)

7886. Council **considered** the draft Annual Report and Financial Statements of the General Optical Council for the period **1 April 2012 to 31 March 2013**. Council **noted** that the annual report and financial statements would be published together as a single document. This represented a departure from practice in previous years when Council had been asked to approve the audited financial statements in June and then later in the year the Executive would write the annual report which would then be published containing the audited financial statements. Council **noted** that this was the first year that the GOC annual report and financial statements were required to be fully compliant with the Statement of Recommended Practice (SORP), as the GOC was now a charity, and that they would be published together as a single document once approved by Council and subsequently Parliament.
7887. In **discussion**, it was noted that the glossary of terms in the Annual Report required some small amendments prior to publication, and that an amendment had already been made on pages 2 and 52 to clarify the GOC's bankers. Additionally, the Chair would review the wording of his introductory statement in the Annual Report to provide clarity.
7888. Subject to these amendments being made Council **noted** and **agreed** with the ARC recommendation that, when taken as a whole, the annual report and financial statements for the year ended 31 March 2013 were fair, balanced and understandable and provided the necessary information to assess performance during 2012/13.
7889. Council **noted** the GOC Senior Management Letter of Representation and **approved** the annual report and financial statements for the year ended 31 March 2013 and **authorised** the Chair to **sign** the Letter of Representation to the external auditors on the Council's behalf.

Guidance on declarations – paper C34(13)

7990. Council **considered** proposed guidance for registrants and applicants to the GOC register who need to make a declaration in relation to their fitness to practise, undertake training, or carry on business. Separate guidance documents had been developed for fully qualified individual applicants, student applicants and business applicants. It was **noted** that the guidance had been updated following consultation and had been subjected to scrutiny by the GOC's legal team having previously been considered and endorsed by the Registration Committee at their meeting in April 2013.

7901. Council **agreed** the content of the declarations guidance documents for publication subject to a final review of the text to check for errors.

Fitness to Practise Rules – paper C35(13)

7902. Council **received** the revised Fitness to Practise (FTP) Rules which had previously been approved by Council and consulted upon, and were now brought back to Council for the purpose of sealing the Rules.
7903. Council **agreed** to formally seal the Rules so that they can be sent to the Privy Council for them to begin the process of Parliamentary approval. (The sealing of the Rules was undertaken at the conclusion of the meeting, the Rules having first been signed by the Chair, the Chief Executive and Registrar, and the Senior Council Member.)

Council and Committee meeting scheduling 2014 – paper C36(13)

7904. Council **considered** the proposed timetabling of Council and Committee meetings for the remainder of 2013 and 2014.
7905. In recommending the timing of meetings for 2014 it was **noted** the Executive had considered the timing issues relating to the production of accounts on which some key Council decisions were based and which Council reviewed at each quarterly meeting and how well the timing of meetings had worked so far in 2013.
7906. Council **agreed** the schedule of proposed Council and Committee meeting dates in 2013-14 and **noted** that its training and evaluation day would take place on Wednesday 6 November 2013.

Indemnity Insurance – paper C37(13)

7907. Council **received** an update on the progress of work relating to the Health Care and Associated Professions (Indemnity Arrangement) Order 2013.
7908. It was not expected that the GOC would need make any material changes to the processes for registrants in relation to indemnity and insurance requirements, although minor changes would be made to the declaration that registrants make when registering on renewing their registration in relation to insurance and indemnity. The intention was that the declaration would be consistent across all of the healthcare regulators and would provide stakeholders and registrants with more clarity on what indemnity arrangements were required. Guidance would be issued by the Department of Health (DH).

7909. It was **noted** that the declaration would be included on all fully qualified registration, retention and restoration forms, as well as the online retention form. It was expected that this would form part of the re-design of the suite of registration forms planned for autumn 2013. Guidance would need to be drafted for registrants to provide further clarification on indemnity arrangements based on the declaration.

Any other business

7910. Council **thanked** the Executive for the quality of papers, reports and consultations presented to Council, noting that there had been a substantial improvement over the last two years.

Date and time of next meeting

7911. The next public meeting of Council would be held on Thursday 14 November 2013 and the time and location of the meeting would be confirmed in due course.

The meeting closed at 15:18