

**GENERAL OPTICAL COUNCIL**

**Minutes of the 194th meeting of the Council held on 19 May 2011 at  
the General Optical Council, 41 Harley Street, London W1G 8DJ**

**Present:** Anna Bradley (in the Chair),  
Morag Alexander, Paul Carroll, Brian Coulter,  
Peter Douglas, Robert Hogan, Liam Kite, Kevin Lewis,  
Fiona Peel, Nicholas Rumney, James Russell

**In attendance:** Samantha Peters, Jeff Cant, David Howell,  
Grahame Tinsley, Liz Carr, Matthew Tait, Maria Claridge  
  
Baroness Pitkeathley of Caversham (CHRE Chair) and  
Ian Hamer OBE (CHRE Council Member)

**Chair's welcome**

7381. The Chair welcomed members and guests to the 194th meeting of the Council. The Council was particularly pleased to welcome Baroness Pitkeathley and Mr Hamer from the Council of Healthcare Regulatory Excellence (CHRE).

**Apologies for absence**

7382. No apologies for absence were received.

**Declarations of interest**

7383. 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 193rd meeting held on 24 March 2011**

7384. The Minutes of the 193rd meeting held on 24 March 2011 were signed as being a true and fair record of the meeting.

**Matters arising from the 193rd meeting: for information**

7385. Members received **Paper C(20)11** being an update on the matters arising from the previous meeting and progress on action taken.

7386. With regards to Minute 7358, the Council was advised the additional accommodation options, which the Audit Committee had identified as requiring further investigation, were being explored and discussions were underway with other regulators. The Council will receive a further update at its June Council seminar.

**ITEMS FOR DISCUSSION AND/OR DECISION**

**CEO Report**

7387. The Chief Executive spoke to **Paper C(21)11** which provided a briefing as to her current focus and activities; the following significant matters were noted.

7388. The Director of Regulatory Services will lead a review of the Council's data protection procedures, ensuring that these are in accordance with the Information Commissioner Office's guidance.

7389. The Chief Executive will lead on the development of a series of stakeholder engagement activities. Council noted one of the options being considered was the establishment of policy/seminar briefings.

7390. The Law Commission's simplification review, of the existing legislative framework for the health and social care regulators, is expected to be the GOC's first opportunity for introducing any legislative changes required; this is not expected to take effect for 3-4 years. Due to capacity constraints, the Department of Health (DH) has advised that recourse to legislative change in the interim is unlikely; the GOC will need to look to non-legislative changes in order to implement efficiencies. As a UK-wide regulator, the Council was mindful that it will need to identify how it will respond to the four distinct health policy environments in which it will potentially operate.

7391. The lay member vacancy on Council was advertised 19 May 2011; interviews will take place on 26 July 2011.

7392. A report on the effectiveness of the Council's outsourced human resource and health & safety support will be added to the forward agenda; it was noted that this is a more cost-effective system than the one previously in place.

7393. Council was assured the external audit of the annual accounts was on course.

### **Protocol on criminal investigations and prosecutions**

7394. Council received the revised *Protocol on Criminal Prosecutions (Paper C(22)11)*, to support the implementation of the GOC's new procedure for the conduct of criminal investigations and prosecutions. Council was assured that standard operating procedures were being introduced in order to support the new measures.

7395. The Council was encouraged to hear that in all of the seven cases arising since the Council's announcement in January 2011, of its change in approach to criminal prosecutions, the respondent had immediately desisted in those activities. Council noted 81 allegations were currently under investigation.

7396. Reporting to Council, on decisions taken pertaining to criminal prosecutions, will be added as a recurring agenda item for the private sessions of Council meetings.

7397. **RESOLVED:**  
**to approve and endorse the draft revised Protocol on Criminal Prosecutions.**

### **Legal advisers**

7398. Council considered a submission for the addition of ten legal advisers to be used for Fitness to Practise hearings (**Paper C(23)11**). The Director of Resources was asked to clarify with First Law, to whom responsibility of provision of advisers is contracted, whether any of the advisers were trained in Scots Law.

7399. **RESOLVED:**  
**to approve the addition of the ten candidates to the GOC's list of available legal advisers for Fitness to Practise hearings.**

## **CHRE presentation**

7400. Council welcomed Baroness Pitkeathley and Ian Hamer from CHRE who, as part of the CHRE's visits of the health regulators' Council meetings, had kindly agreed to make a presentation to Council encompassing the political context, the pressures facing CHRE, the future and the purpose of the performance review; key matters of note included the following.

7401. The CHRE will become the Professional Standards Authority for Health and Social Care and in future will report to the Privy Council, rather than the Department of Health. The Health and Social Care Bill, currently before Parliament, outlines the future for CHRE which is intended to better reflect their developing role and responsibilities. Existing responsibilities continue and CHRE will continue to review how its powers are used.

7402. Additionally, they will acquire new responsibilities, including: the power to investigate complaints of maladministration by regulatory bodies; providing assistance to the Privy Council by quality assuring the process of appointments made to the regulatory bodies; and accrediting voluntary registers of those health and social care professions not currently statutorily regulated.

7403. The CHRE is reviewing the performance review report for regulators to ensure the continued provision of an efficient quality-assured review. The Council welcomed the news that CHRE intends to lessen the administrative burden on regulators by considering different methods to be taken to the audit process including undertaking periodic, risk-focussed or thematic approaches. CHRE will continue to work with the Council and other regulators on improving the processes.

7404. There is likely to be at least a 3-month delay in the implementation of the Health and Social Care Bill, as it pertains to the CHRE, originally intended to come into force 1 April 2012.

## **Devolved Administrations**

7405. Morag Alexander reported on Optometry Scotland's Annual General Meeting held 9 May 2011, to which the Council Chair was invited to speak. Additionally, Mrs Alexander had recently met with Niall Strang, Head of Department, at Glasgow Caledonian University. It was noted that NES Education for Scotland were establishing a new Optometry 'Teach and Treat Clinic' in western Scotland, as has been established in Edinburgh.

7406. Fiona Peel advised a new Chair, Mike George, had been appointed to Optometry Wales (OW); dates are currently being identified for the Chair and Chief Executive to meet with the OW Chair, registrants and key advisers. Mrs Peel suggested it would be useful for the GOC to meet with the new Minister for Health in Wales.

7407. Brian Coulter reported on his recent meeting with Helen Knox (Chair) and David Barnes (Vice-Chair) from Optometry Northern Ireland, whose chief concern at this time is the negotiation of a new GOS contract for Northern Ireland. Mr Coulter has been given the opportunity to contribute to their newsletter.

7408. The Chair commented on the usefulness of a member of the Executive accompanying the respective Council members, residing in the Devolved Administrations, in attending the meetings in their respective areas on a routine basis. It has been agreed with each of the members within the Devolved Administrations that they will liaise with stakeholders and develop a plan to have a GOC event in each of their respective areas; it is intended the first is to be held in Scotland by the end of the financial year and may be attached to a Council meeting.

7409. It was suggested the GOC may wish to explore collaboration opportunities with other regulators in meeting with each of the parliamentary/assembly representatives in each area. Additionally, the Chair and Chief Executive will look to means of engaging with LOC Support Units (LOCSU) meetings within England.

## **ITEMS FOR INFORMATION**

### **Determinations of Fitness to Practise hearings**

7410. The Council received **Paper C(24)11** being the determinations of FTP hearings for the period 14 March – 20 April 2011.

### **GOC Stakeholder engagement activity**

7411. The Council received **Paper C(25)11** being a report on GOC stakeholder activity since April 2011. With regards to the 2011 Registrant's Survey report (**Annex 2**) it was commented there appeared to be a data gap as to the employment status of respondents.

### **Any other business**

7412. No further items were raised.

### **Date and time of next meeting**

7413. The next Council meeting will be held at **10:30** on **Thursday 28 July 2011** at 41 Harley Street, London W1G 8DJ.