

**GENERAL OPTICAL COUNCIL**

**Minutes of the 195th meeting of the Council held on 28 July 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, Simon Grier,  
Kiran Gill, Irina Miksa (for items 9 and 10)

**Chair's welcome**

7414. The Chair welcomed members and guests to the 195th meeting of the Council.

**Apologies for absence**

7415. No apologies for absence were received.

**Declarations of interest**

7416. 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 194th meeting held on 19 May 2011**

7417. The Minutes of the 194th meeting held on 19 May 2011 were signed as being a true and fair record of the meeting.

**Matters arising from the 194th meeting: for information**

7418. Members received **Paper C(26)11** being an update on the matters arising from the previous meeting and progress on action taken. The Chair requested that in future reports dates be added for outcomes to be brought back to Council.

7419. In minute 7391 it had been noted that the lay member vacancy on Council had been advertised and that interviews would be held on 26 July 2011. The Chair reported that following the interviews a recommendation had been made to the Appointments Commission which would be brought to their meeting on 3 August 2011. It was expected that the new lay member would be available for the next Council meeting on 29 September 2011.

**ITEMS FOR DISCUSSION AND/OR DECISION**

**CHRE Commission on effectiveness and efficiency**

7420. Council received **Paper C(27)11** on effectiveness and efficiency and the Chief Executive reported that it was still unclear as to what was expected of the GOC as ministers, the DH and CHRE had differing ideas of what was to be achieved with regard to collaboration.

7421. It was noted that there was currently little appetite for collaboration within the regulatory sector though there would be various opportunities for collaboration in future in order to achieve efficiencies. It was agreed that there should be no drop in outcomes by cost cutting as public protection must remain the GOC's main aim.

7422. Council agreed the list of criteria for assessing the options available and that any proposal which the Executive brings to Council should outline risks and benefits.

7423. It was noted that all possible cost reductions have not yet been identified and the Director of Resources was asked to give Council a rough idea of possible cost savings over the next three years and he emphasised that they were given in an agenda for change:

- |  |           |
|--|-----------|
| • Supply costs – joint procurement group with other regulators | £30-£120k |
| • Shared facilities  | £40-£130k |
| • Joint legal procurement                                      | £60-£65k  |
| • Cross supply   | £30k      |

7424. This could give a total saving of £250k-£350k over three years.

7425. The Director of Resources reported that there had been a meeting at the GMC on procurement with five of the nine health regulators' Directors of Resources attending. It had been agreed that there would be regular meetings of this group to discuss collaboration and share ideas. The first meeting would be hosted by the GOC and would prepare for the CHRE review in the autumn. Sub groups of this would be benchmarking clubs which would do preliminary work on areas which compare really well, who is doing well and how.

7426. It was noted that **Annex 1** of the CEO's Report was a table which showed a comparison of figures from the CHRE Performance Review. The Director of Resources and other staff were praised for being in the lead on this and it was reported that the CHRE had in fact requested a copy of the table.

7427. It was noted that the Health and Social Care Regulators PPI Group of which Simon Grier, Communications Officer, and Fiona Peel had been members and had been running for five years, had been disbanded by the CE Steering Group. However a Public & Patient Engagement Learning Circle had been set up between regulators' communications staff but with no Council involvement. It was suggested that the previous group should be reintroduced as this was what the CHRE wanted.

7428. **RESOLVED:**

- i. that the following recommendations be approved:**
  - a. develop a learning climate internally;**
  - b. develop strategic alliances in various contexts (retail sector, corporate entities, single practitioners, optical services);**
  - c. establish clubs to share and benchmark practice (efficiency, effectiveness);**
  - d. seek to jointly contract certain services;**
  - e. seek to establish a system of cross supply;**
  - f. explore potential to share office premises;**
  - g. explore potential to share a hearings centre;**
  - h. adopt criteria for effectiveness and efficiency opportunities;**
  - i. assess potential savings and implications for fees and budgets.**

- ii. that when specific recommendations are brought back to Council they should outline the risks and benefits.

### **CEO Report**

7429. The Chief Executive spoke about **Paper C(27)11** which provided a briefing as to her current focus and activities.

7430. Council praised the Chief Executive for a good report and that it brought to their notice the good work of staff members. The following significant matters were noted.

7431. The Law Commission will be presenting to Council at its seminar in August. The Government is seeking to reduce the operational involvement of the DH in regulatory matters, which would mean regulators reporting more directly to Parliament. This would enhance the powers of regulators with additional obligations to draft and present rules which at present is carried out by DH lawyers.

7432. The ways in which the different regulators' FTP procedures comply with Article 6 of the European Convention on Human Rights is also being investigated by the Law Commission

7433. As optical premises do not fall under the CQC there is no action required at this stage. However this will need to be monitored in case their approach appears to be changing.

7434. With respect to the EU Directive on Recognition of Professional Qualifications, a Green Paper on proposed reforms has been published to which the GOC intends to respond along with the Alliance of UK Health Regulators on Europe (AURE) and this will be required before the next Council meeting. Following the meeting Matthew Tait will send the recommendations and options to Council by email for comment.

7435. In the CHRE Performance Review references were made to the three, six and nine month timescales for FTP cases as 'targets'. It was agreed that the CHRE should be made aware that these were 'indications' as they would be dependent on a number of issues.

7436. A final decision on Case Examiners will be made in September with a view to them starting in January or February 2012.

7437. Council agreed that changes in the educational field and the context in which the GOC regulates this should be planned as a seminar topic with spokespersons from Education Committee attending.

7438. There is a substantial list of issues which have been raised with the Chair and Chief Executive at their meetings with stakeholders. More evidence will be required for further discussions and debate by Council.

7439. A suggestion was made that money from the Optical Education Reserve be used to gain evidence of risks to patients from illegal sale of contact lenses as a priority. Priorities and the proper use of funds will be discussed at the August seminar.

### **Performance Report**

7440. Council received the Performance Report as **Paper C(29)11** and it was reported that this is the first such report against the Business Plan. This is a starting point for Council to decide if the level of information is appropriate. As the Business Plan was only approved in May, some of the information may not be robust but this can be improved. As this is a new way of reporting for both Council and staff

consistency is still being explored and some projects may have to be postponed as the focus changes

7441. Council was being asked to consider what they wish to be taken out and left in the report, to reflect on the nature of the report and how it should be developed.

7442. A question was raised as to whether everything listed was a genuine project and if project plans had been drawn up for them. It was confirmed that the relevant staff had received training in Microsoft Project so consistent project plans would be done in future.

7443. It was noted that not all the projects listed may be able to be completed within the given timeframes but there was the possibility of bringing in outside help for some. It was also noted that there were more amber items in the CEO's office section as this was a new department still in the process of being set up.

7444. It was agreed that the projects would be separated from the core activities and that the column for CSFs would be removed. It was also suggested that green items did not need to be reported to Council and that the report could go to SMT and then a less detailed version be brought to Council. It was noted that this was time consuming and agreed that it should be a quarterly report to Council

7445. It was also agreed that the SMT would complete an analysis and present Council with the revised Performance Report together with a list of what had been taken out at their next meeting.

7446. **RESOLVED:**

**that a revised Performance Report together with a list of items taken out be brought to the next meeting of Council.**

#### **Report and Accounts**

7447. Council received as **Paper C(30)11** the draft Report and Accounts to 31 March 2011 and it was noted that they had been reviewed by both the Auditors and the Audit Committee. As this was still a draft there may still be minor typographical errors present.

7448. Council was informed that this was a new format with less detail as Council had requested. Irina Miksa, Head of Finance, and her staff were praised for their work on this and Council agreed that it was easier to read.

7449. Council requested that the wording be changed in relation to fees and staff levels and with these changes agreed that the Report and Accounts should be adopted. They would then go to Communications Department for submission to the Privy Council as required.

7450. The letter of recommendation would be signed following GOC approval.

7451. **RESOLVED:**

**that the Report and Accounts to 31 March 2011 be adopted.**

#### **Quarterly financial report**

7452. Council received the quarterly financial report as **Paper C(31)11** and it was noted that, in the past, there had been centralised budgets. Profiling of budgets had been discussed with the Heads of Department but this will not be finalised this year.

7453. It was noted that there is a problem with the FTP budget as it is difficult to forecast and savings have also been gained by more work being done in house. It was reported that £200,000 had been saved by Kiran Gill handling prosecutions in house. The FTP budget has been underspent in the past and there is a large legal

contingency so funds are not needed for that. This will be easier to predict once this year's figures are known.

7454. Assurance is needed that underspends are due to lower costs rather than over budgeting in future. In October when there will be six months figures available, the budgets will be reviewed with the Heads of Department in time for the fees review.

7455. It was requested that the positive figures shown in red be changed to black.

### **Criminal Prosecutions**

7456. It was reported that in the last month the trend in respect of illegal sales of contact lenses continued in that 12 cases were closed following desistance by those referred. 122 cases had been referred in all and of those 45 had been closed: 12 cases had desisted, 15 had been referred for a fitness to practise investigation, 2 had not been identified, and 16 were found not to be doing anything wrong. 77 cases are still under examination and for some there is an issue of jurisdiction of the Opticians Act and specialist advice is being sought on EU Law.

7457. There have been numerous sales of plano lenses through pharmacies and the General Pharmaceutical Council (GPhC) had stopped acting on alleged breaches of the Opticians Act as the GOC was not doing the same. Kiran Gill, the GOC's solicitor working on these cases, has contacted the GPhC and is trying to agree a working arrangement which should solve this problem. She has also been in contact with other agencies which may be of assistance.

7458. The GOC had a stand at the Trading Standards Institute conference and raised awareness of the illegal sale of contact lenses. The leaflet *Buying Cosmetic Contact Lenses* jointly produced by the GOC and the BCLA was launched at the conference. Council agreed that this was a very good leaflet and that the collaboration with the BCLA was beneficial to the GOC.

7459. Council noted that internet sales and other cases of illegal sales were also being dealt with by Ms Gill. Council were asked how they wished to be kept informed of progress on criminal prosecutions in future and whether this should be at public or private Council meetings. It was agreed that information should at first be brought to the private meetings for Council to decide what was appropriate to bring to the public meetings.

### **Devolved Administrations**

7460. Council received verbal reports from those members of Council from the devolved countries:

- *Northern Ireland* – Brian Coulter informed Council that Optometry Northern Ireland had been awaiting the release of the draft eyecare strategy. This had now been released but it was too early to be able to report on it. The optometry adviser was leaving so new contacts would have to be made.
- *Wales* – Fiona Peel reported that the Chair and Chief Executive had met with members of Optometry Wales and that she had had a meeting on Law Commission issues.
- *Scotland* – Morag Alexander had had a meeting with the Scottish Law Commission who were in contact with the England and Wales Law Commission. Both Ms Alexander and Ms Peel were members of the Advisory Group and would keep Council informed of developments. It was noted that the Opticians Act was UK wide therefore there were no issues at present.

## **Committees update**

7461. Council received **Paper C(32)11** and it was noted that this was the first time that a committees report had been brought to Council and members were asked for their comments on the format and information provided. Thanks were given to Joan Burrow for preparing this paper and Council agreed that it was helpful and informative and that the format was suitable. It was also noted that the report may also help in the review of the committee structure, terms of reference and membership.

7462. It was also noted that Council was ultimately responsible for committee decisions. It was agreed that the SMT need to have a clear understanding of the work of committees and ensure that their focus is appropriate in the context of their and Council's respective roles.

7463. As Council needs to report to the Law Commission on what changes to its legislation it wishes by the end of October, it was agreed that time should be found in the near future for a Council seminar on the committee review.

7464. Council requested that the Standards Committee minutes which referred to the role and duties of Standards Committee be forwarded to them following the meeting.

## **ITEMS FOR INFORMATION**

### **Forward Plan**

7465. Council received **Paper C(33)11** which laid out the latest position regarding agenda planning for Council seminars. It was noted that although it had been agreed that the committee review should be discussed as soon as possible, time would not be available for this within the agendas already planned. It was suggested that a further half day meeting should be arranged in August, September or October.

7466. It was subsequently found, following the meeting, that space would be available in the October seminar as the FTP Rules would be completed and presented to Council before that date.

### **GOC Stakeholder engagement activity**

7467. The Council received **Paper C(34)11** being a report on GOC stakeholder activity since March 2011.

### **Any other business**

7468. No further items were raised.

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

7469. The next Council meeting will be held at **10:30** on **Thursday 29 September 2011** at 41 Harley Street, London W1G 8DJ.