

COUNCIL

Chief Executive and Registrar Update

Meeting: 11 February 2015

Status: for decision

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Introduction

1. The Chief Executive and Registrar's report is presented to Council on a quarterly basis. This report covers the period since the **12 November 2014** Council meeting. Council are asked to **note** the contents of this report.

Our External Environment

2. We continue to engage with the **Department of Health (DH)** and other regulators to refine the draft '*Regulation of Health and Social Care Professionals*' Bill (produced the **Law Commission**) notwithstanding the Government's decision not to introduce the Bill before the general election. A key element of our engagement has been on business regulation, with the aim of ensuring the Bill has the flexibility to enable our proposed model for regulating businesses in due course. The Government published its response on **29 January 2015**. We are considering our response.
3. The '*Health and Social Care (Safety and Quality) Bill 2014-15*' is proceeding. This Private Members Bill has its second reading in the Lords on **6 February 2015**. If passed, it will amend the objectives of healthcare professional regulators, giving each an overarching objective of public protection as well as specific objectives including:
 - (a) to protect, promote, and maintain the health, safety and well-being of the public;
 - (b) to promote and maintain public confidence in the professions; and
 - (c) to promote and maintain proper professional standards and conduct.For us, there will also be an objective to promote and maintain proper standards and conduct for business registrants.
4. We responded to the **DH** consultation on the planned levy on regulators to fund the **Professional Standards Authority (PSA)**, issued on **1 December 2014**. We have proposed annual turnover (as opposed to number of registrants) as a more appropriate method of calculating the levy. We have also urged caution in ensuring there is a robust mechanism for calculating costs.

5. We responded to the PSA '*Call for views on Right-touch regulation*' issued on **5 November 2014**. This review is intended to assess the impact of right-touch regulation. We were supportive of the concept, giving examples of how it is embedded in our work and made some suggestions for how it could be developed, particularly in relation to regulation being outcomes focussed and incorporating impact assessments. We are also feeding into the PSA review of its own performance review. We have engaged through a number of meetings or events, including a meeting of the Chairs and Chief Executives of regulators on **12 January 2015**. Formal consultation on this is expected in the spring.
6. We continue to work with the DH and the Department of Business, Innovation and Skills (BIS) to ensure that the revised European Union directive on the recognition of professional qualifications (EUPQD) is implemented in a proportionate way. In particular, we responded to the BIS consultation, which closed on **6 November 2014**. In our response we set out our understanding of how the directive would apply to the GOC, sought clarity in a number of areas which were unclear and outlined some of our concerns about how we would implement particular aspects of the directive, such as the alert mechanism. As part of a related European Commission transparency initiative, assessing the proportionality of the regulation of qualifications governing access to professions or professional titles, we attended a workshop in Brussels on **24 November 2014** to discuss member states' submissions. More details can be found in a separate paper presented to Council – paper **C13(15)**.
7. There have been a number of other reviews and consultations of interest to us. We responded to the **NHS England** call to action in respect of reducing sight loss, which closed on **12 September 2014**. We noted our support for the call to action, setting out how optometrists and dispensing opticians can be utilised to deliver enhanced services in the community. We also responded to the BIS consultation on the proposed annual reporting requirements on whistleblowing for prescribed persons, the Northern Irish Government's Health (Miscellaneous Provisions) Bill and issued a joint response with the other healthcare regulators on the Welsh Language Commissioner's enforcement policy.

Our Strategy and Performance

8. Our **business plan** and **budget** for **2014/15** were approved by Council at its meeting in **February 2014**.
9. With regards to the **2014/5 budget**, financial performance, reported quarterly to Council, is the subject of a separate paper **C04(15)**. Performance shows a surplus of **£2.6m** against a budget of **£1.9m**. This is an overall positive variance of **£738k** for the period ended **31 December 2014**. Our performance

indicators for finance are green for income (meaning that actual income is better than budget by one per cent) and red for expenditure (because actual expenditure is **five per cent** less than budget). To date income is **£6.8m** compared to the budget of **£6.7m** (a positive variance of **£40k**), and expenditure is **£4.2m** compared to a budget of **£4.9m**, which is a positive variance of **£700k**.

10. With regards to the **2014/15 business plan**, in the first quarter of **2014/15**, we developed a new set of performance indicators to accompany our three year strategic plan. These were reviewed by Council at its annual performance review day on **5 June 2014**. Of the **51** new indicators, we intend to report on **24** on a quarterly basis at each Council meeting through the performance report.¹ Performance against these indicators for **September to December 2014** is the subject of a separate paper report **C05(14)**. In this period, we met **7** out of the **13** indicators (**6** last quarter) where we have information required to assess our performance.
11. There are a couple of issues I wish to highlight. Firstly, we face two tough challenges in Fitness to Practise. We made our targets for **2014/15** extremely challenging (in many cases more challenging than the PSA's) in order to drive progress towards our goal of closing the majority of cases within **52** weeks by the end of **2016/17**. We have also seen an increase in both the number of cases (**45 per cent** increase for the first nine months of 2014/15 compared to the first nine months of 2013/14), and the number of complex clinical matters. Secondly, we continue to experience a high level of staff turnover (**40 per cent**) compared with the **Chartered Institute of Personnel and Development (CIPD)** figure of **eight per cent** per annum. Thirdly, registrants continue to engage extremely well with our new Continued Education and Training (CET) scheme, with **98** per cent of registrants meeting requirements, and less than **three per cent** now solely reliant on distance learning compared to **60 per cent** in the **2009/12** cycle.
12. We have **four** major projects underway this year to develop our approach to regulatory functions; **reviews of student regulation, business regulation and standards**, and the development of a **strategy for illegal practice**. Further work on our **reviews of business and student regulation** is on hold as they are dependent on achieving primary legislative change. Following the consultation on our proposed strategy for illegal practice in the summer, we published our statement on this on **17 November 2014**. Since then, we have also established a stakeholder steering group, to develop the proposed voluntary code of practice for online contact lenses supply. The group will have

¹ We are not able to report on our performance against all of these 24 indicators at the moment. This is because we do not yet have the information we need, such as survey findings, to assess our performance against nine of the indicators.

its first meeting on **4 February 2015**. The results of our '*Call for Evidence*' on Standards Review were published on **26 January 2015**. Since then, draft standards have been prepared for consultation, and form the subject of a separate paper at this meeting **C11(15)**.

13. We have **two** major projects underway to enhance our operational effectiveness; **relocation**, to a more modern, fit-for-purpose building, and the development of a **Customer Relationship Management (CRM)** system. With regards to relocation, the agreement to surrender the lease on 41 Harley Street was exchanged on 12 November 2014 and is expected to be completed in the summer of 2015. Negotiations to secure the lease on a property which meets our criteria for new premises is now well underway, and we hope to move offices in **June 2015**. With regards to **CRM**, the registration module went live during the week of **8 September 2014**. Subject to testing, the case management module is due to go live in **February 2015**, and the hearings module in **March 2015**.

Our Stakeholder Engagement

14. In terms of our public profile, topics of press interest since the last Council meeting have included: council and committee appointments, new university courses, zero-powered contact lenses, the standards review. In general coverage remains positive.
15. In line with our new research framework, we have undertaken a public perceptions survey, which is looking at how the public view optometry and dispensing optics and what they expect of regulation. This research is intended to help ensure that our strategy and policy development is grounded in an understanding of the public's perspective. We intend to publish the research report at a launch event for stakeholders on 25 March 2015 and will circulate the report to Council beforehand to provide an opportunity for comment. Council members are welcome to attend this event and we also intend to bring the report to the May Council meeting so that we can discuss the regulatory implications. We then intend to repeat the survey on an annual basis to gather trend data.
16. We continue to meet stakeholders, and have had regular and sustained contact professional bodies and other regulators on a wide range of issues. It is not practical to list all the organisation's meetings here, but in terms of my own engagement, in **January 2015**, I attended a **Public Health System Group Stakeholder Forum** (the forum is supported by **Public Health England** to develop approaches towards public health) and met with the Deputy Chief Allied Health Professions Officer of **NHS England** to discuss their work in independent prescribing.

Our People and Values

17. Our programme of committee and panel appointments continues. **Two** new Council members, Rosie Glazebrook and Glenn Tomison, took up their roles on **1 January 2015**. We completed our recruitment of eight new Hearing Panel Chairs who were appointed as lay hearing panel members on **1 January 2015**. They will take over as chairs on **1 July 2015**.
18. The recruitment of **ten** lay and **20** registrant hearing members is also underway; interviews took place throughout **January 2015** for lay members, and appointments will also be with effect from **1 July 2015**. Recruitment campaigns have been successful, with **65** applications for lay chairs, and **218** for lay members. The Recruitment campaign for registrant members will close on **9 February 2015**.
19. Following the implementation of a new reward framework on **25 August 2014** (with effect from **1 April 2014**), our work to develop performance related pay progression and benchmark our benefits package continues. Proposals are being developed with the assistance of external consultants Hay, and we anticipate consulting employees about these in **February 2015**.
20. Since the last Council meeting recruitment, induction and training, has continued apace. Following the recruitment of a replacement for our departing Director of Regulation, Mandie Lavin in the last quarter, our new Director Fitness to Practise, Lisa Davis started in post on **6 January 2015**. Induction for new Hearing Panel Chairs and training current chairs and panel members took place in **November 2015**. The annual cycle of committee appraisals also continues, with, with Investigation Committee member appraisals completed by the end of **November 2014**.