

COUNCIL

**Chief Executive and Registrar's report**

---

**Meeting:** 14 November 2018

**Status:** for noting

**Lead responsibility and paper author:** Lesley Longstone (Interim Chief Executive and Registrar)

**Recommendation**

---

1. Council is asked to **note** the contents of this report.

**Overall**

---

2. This is the first of my reports as interim Chief Executive and Registrar of the GOC. I took up post on 17 September 2018 as arranged and would like to put on record my thanks to Adam Sampson for his helpful handover and wish him well in his new role as permanent CEO leading a new charity created to provide residential and education services to severely disabled children and adults.
3. The GOC has also said farewell to Lisa Davis, Director of Fitness to Practise, who has left to become CEO of the Citizens Advice Bureau, Epsom and Ewell. We congratulate Lisa on her appointment and thank her for her leadership of this function over the past three and a half years. We have appointed [REDACTED], as Lisa's replacement and look forward to welcoming [REDACTED] to the GOC in February of next year.
4. We have also appointed Subo Shanmuganathan as Interim Director for Education to oversee our education function, including the Education Strategic Review and the review of Continuing Education and Training (CET). Alistair Bridge remains responsible for our work on standards and for strategy alongside his other responsibilities for policy, communications, governance, compliance, corporate planning and performance.
5. Alongside the delivery of core business and strategic reviews covered below, we have been engaged in developing three-year financial forecasts in conjunction with outline business plans for 2019/20. We have also brought a renewed focus to risk management, undertaking workshops with the Leadership Team and embedding the consideration of risk into our day to day work.
6. Consideration of the Professional Standards Authority's (PSA) 2017 review of our performance has been uppermost in our minds and I responded to the report positively, welcoming endorsement of areas where we had made

progress since our previous review, particularly around information governance, and acknowledging those areas related to Fitness to Practise, where we need to make further progress. That progress will be considered in the 2018 Review which has now commenced with an invitation for our stakeholders to submit evidence to the PSA. We are encouraging our stakeholders to engage positively with the review and are delighted that a number of them have chosen to share their thoughts with us. We are committed to working through those issues brought to our attention and as soon as possible.

7. As well as getting to know the staff of the GOC and their work in more detail, I have committed to meeting as many stakeholders and fellow regulators as possible within the first few weeks. The specifics of those meetings are set out later in this report. I am grateful for the welcome I have received and without exception, the constructive feedback I've received, all grounded in how collectively we can best protect the interests of the public in the field of optics.

### **Fitness to Practise**

8. Council previously approved additional recruitment for the Fitness to Practise case progression teams, to reduce the time that some investigations are taking and in doing so address the recommendations arising from the PSA review. That recruitment is almost concluded with all but two new staff in post. The team has been restructured on the back of this recruitment, with Triage and Interim Order work being moved into a separate team, leaving Investigation Officers free to focus solely on the swifter progression of investigation cases.
9. Procedural guides are being re-written and an extensive programme of staff training is in place for November and December, for both new and existing staff. As well as focusing on technical issues, this training will also focus on more efficient case progression. This includes the move to an end-to-end form of case management, with case officers retaining ownership of cases from investigation through to FTPC hearing (if they reach that stage). This will bring improvements in case officer knowledge and in customer service.
10. Following the publication of the PSA report, as well as focusing on timescale and customer service improvements, the team has launched a full review of how it approaches risk assessment in FTP cases, not just in respect of Interim Order considerations but across all types of risk. This review will conclude by the end of the year with improvements being implemented from January.
11. The revised Glide Path presented to Council, which sets out anticipated improvements in the age of open Fitness to Practise cases is covered by the Q2 performance report. There are signs of some progress at the earlier stages of investigations, but it is still very early days. With additional resources on board, we expect to see further improvement next time.

12. In accordance with the Contracts and Procurement Policy, Council are asked to note that Senior Management Team (SMT) has approved a procurement exercise for a minimum of two providers of external legal services to the GOC in respect of the management of fitness to practise cases. Current contracts expire on 31 March 2019 and the value of the new contracts will be above the EU threshold. SMT has agreed that procurement will be by way of restricted procedure which requires an initial advertisement and then invitations to tender in full.

### **Legal**

13. The legal team has provided the Fitness to Practise teams with training on Acceptance Criteria, which was introduced on 12 November 2018. The Acceptance Criteria aims to ensure that Case Examiners consider only those complaints that amount to allegations of impaired fitness to practise. Complaints that do not meet the criteria may be referred to the Optical Consumer Complaints Service or be closed with no further action.
14. The team continues to provide cross-organisational advice on all the GOC's functions, present a proportion of non-substantive fitness to practise hearings, and manage illegal practice complaints in accordance with our Protocol.

### **Hearings**

15. We are running more cases than this time last year, and have concluded some of the oldest and most complex cases, so the total number of hearing days has also increased, over 40 per cent increase on this time last year.
16. We have worked with defence representatives on a 'hearings on the papers' process for interim order reviews. This will allow hearing dates to be utilised for contested matters as well as provide benefits for registrants and the public. We have finalised the policy and anticipate the first matter being dealt with by this process will be in late December or early January.
17. Following a tender exercise for hearing, recording and transcription services for Fitness to Practise hearings, we are due to commence an agreement with a new provider on 12 November 2018. This contract offers better value for money than our previous agreement.
18. The Indicative Sanctions Guidance has been updated following a joint review between the hearings and legal teams. This new guidance will be circulated to our fitness to practise committee members shortly.

### **Finance**

19. The finance department has been focused on improving financial planning. The Audit and Risk committee has reviewed the Q2 forecast update which also

included financial projections through to March 2021. This longer term view will become a regular quarterly discipline and will focus the organisation on the long term sustainability of its activities.

20. As part of preparations for next year's business plan and the associated budget, the CEO and Director of Finance are reviewing the financial plans of every business area.

### **Information Technology**

21. The IT domain is now stable and service reliability and availability is slightly improved. The plan with our new service provider, Celerity, was to upgrade the majority of our current platforms to an acceptable base level by the end of August. This was not achieved as work required on the main file server was more complex than anticipated. The work is now on track to be completed by 8 November. The volumes of IT helpdesk tickets remain high. We are working with Celerity to identify recurring themes and share solutions with users to reduce this as it is having a knock-on impact on resources available to drive improvements to the systems.
22. We are in the early stages of assessing the requirements for a fully automated approach to case management. An initial study of the current system and commercial alternatives has been completed and is being discussed by SMT and key users.

### **Registration**

23. Q2 has been focused on student renewal, newly qualified and new student registration. It is pleasing that the key performance indicators (KPIs) measuring both quality and timeliness were exceeded with over 1,200 new student applications received and over 350 newly qualified practitioners registered.
24. Enquiries from those with qualifications from overseas (Non-EEA) continue to increase, likely in part to Brexit. Over 300 enquiries and requests for application forms have been received since go-live on 2 July 2018. Members of registration also held their first meeting with the College of Optometrists as part of a new joint working agreement relating to this area of work.
25. Recruitment of a new Head of Registration, to replace Michelle Norman, took place in September and I am pleased to announce that Yeslin Gearty has been appointed to replace her and took up the role on 1 November 2018.

### **Human Resources**

26. The HR department is completely new, under the leadership of an interim Head, Teresa Couplditch. Her immediate focus has been on getting the

team up to speed, understanding policies, procedures and systems and generally meeting the business requirements.

27. The department has dealt with an unprecedented volume of recruitment. In part filling existing vacancies but also new requirements, especially around Fitness to Practise and the knock-on effect of roles filled internally. Overall, 46 roles have been advertised with 35 successfully recruited to.
28. A start has been made on process/policy review, improvement and documentation and the training plan for the second half of the year has been agreed.

### **Business standards review**

29. Considering the feedback from our consultation on new draft business standards has been a priority since the last Council meeting and there is a separate paper on this project on the agenda. The purpose is to enable Council to discuss the feedback prior to considering a revised version of the new business standards in February 2019.
30. We have also started a programme of meetings with stakeholders to discuss the feedback they have provided and explore how any concerns they have raised might be addressed, recognising that our overarching objective is to protect the public by promoting and maintaining proper standards and conduct for business registrants.

### **Safe Contact Lens Use project**

31. As part of our Safe Contact Lens Use project, we have been working with Claremont Communications and some of our stakeholders to develop resources to improve the delivery of aftercare messages to contact lens patients. This is an example of the GOC seeking to intervene 'upstream' to enable registrants to comply more effectively with our standards of practice and raise standards of patient care across the professions.
32. Resources included five top tips to share and discuss with patients, a pre-appointment questionnaire about contact lens behaviours and habit-based questions for optometrists and contact lens opticians to ask patients during consultations. We trialled these approaches in several optical practices over the summer and are currently evaluating the trials and updating the resources to take account of feedback from practitioners and patients. We will provide Council with a fuller report on the outcome of the trials and next steps at its meeting in February 2019.

### **Stakeholder engagement**

33. I have met with the following people since commencing the role.

34. I have met with the outgoing Chief Executive of the Professional Standards Authority (PSA) and had one to one meetings with my regulatory counterparts at the Health and Care Professions Council (HCPC), the General Osteopathic Council (GOsC), the Nursing and Midwifery Council (NMC) and the General Chiropractic Council (GCC). I held a telephone conversation with my counterpart at the General Pharmaceutical Council (GPhC) and gave my apologies as I was unable to attend the Chief Executive Steering Group (CESG) meeting with my fellow CEOs in September 2018.
35. I attended the Health and Social Care Regulators Forum at the Quality Care Commission (CQC) and met separately with the Strategy Manager of the CQC, accompanied by our Director of Strategy to discuss the possibility of the GOC signing up to the Emerging Concerns Protocol between healthcare regulators and inspection bodies.
36. I had an introductory meeting with the Director of Workforce and Deputy Director (Professional Regulation) of the Department of Health and Social Care and accompanied by the Director of Strategy and one of our senior lawyers, I have attended meetings on promoting professionalism and reforming regulation organised by the Department of Health and Social Care (DHSC) and other regulatory bodies.
37. In the optical sector I have met the Chief Executives of the College of Optometrists (COO), the Association of Optometrists (AOP), the Federation of Ophthalmic and Dispensing Opticians (FODO) and the General Secretary of the Association of British Dispensing Opticians (ABDO) as well as having a telephone conversation with the Secretary General of the Association of Contact Lens Manufacturers Ltd (ACLM).
38. I had an introductory meeting with the new Master of the Worshipful Company of Spectacle Makers and the Clerk of the Company, and attended an event organised by the Worshipful Company of Spectacle Makers and the Association of Optometrists to discuss the Williams Review next steps.
39. I have also now met with the Head of the Optical Consumer Complaints Service (OCCS) to hear about their work and how they work in tandem with our Fitness to Practise function. We discussed ways in which how they use their insight to disseminate learning from mistakes enabling a more preventative approach to protecting the public.
40. In my dealings with other nations, I met with the Chief Executive and Chair of Optometry Wales (OT) and the Chief Optometric Adviser to the Welsh Government.
41. I have also had the opportunity of representing the GOC at several external

events, including:

- the Association for Independent Optometrists (AIO) and Dispensing Opticians Annual Conference. The AIO are a small professional body for independent opticians who engage regularly and constructively with us on consultations and key topics;
- the 11<sup>th</sup> Annual Regulation Conference in Scotland, entitled Professional Regulation: Working Within Regulation Of The Wider Team, on the regulation of Health and Social care professionals. I took part in a panel session entitled 'How do you support professionals to speak up under pressure'. The panel was comprised of me and a representative from both the General Medical Council (GMC) and the Professional Standards Authority (PSA). The Chair of the panel session was the Executive Director of Regulation, Law Society of Scotland;
- an Optometry Wales CET session where I took part in a panel session regarding the future of Optometry in Wales;
- the Association of Optometrists, Ireland (AOI) gala dinner, accompanying the GOC Chair and two of our Council Members. This provided an opportunity to meet with those in the optical industry in the Republic of Ireland; and
- the College of Optometry (COO) Diploma ceremony.

42. In relation to patient groups and accompanied by our Director of Strategy I have met with the Chief Executive, the Policy, Public Affairs and Research Manager and the Clinical Lead and Head of Eye Health of SeeAbility. We discussed the GOC education reviews and ways of embedding learning disability training in undergraduate programmes and CET.

43. The Director of Strategy has also had interactions with a range of stakeholders, including:

- a meeting with Carol Reece, Head of Dental and Optical Services Commissioning, and Richard Everitt, Dental and Optical Services Commissioning Programme Manager, from NHS England to discuss current priorities and areas of common interest;
- attended the Optical Confederation's Education Forum, giving presentations on the Education Strategic Review and CET review and receiving feedback following a workshop session with attendees;
- attended the European Council of Optometry and Optics (ECOO) conference, where there was discussion of European regulatory developments, including implementation of the Medical Devices Regulation, and the changing roles of optometrists and dispensing opticians, including in Sweden, where optometrists are taking on increasingly clinical roles in line with developments in the UK;

- attended, together with the Chair, the opening of the Association of British Dispensing Optician's National Resource Centre in Birmingham, which provides impressive, new facilities to carry out student assessments and deliver continuing education and training;
- met representatives of Superdrug, including Michael Henry, the Healthcare Director, and discussing the healthcare services that Superdrug provide, developments in digital healthcare and the GOC's role and approach to regulation;
- met Tony Stafford, Director of Policy, and Kathy Jones, Policy Advisor Association of Optometrists (AOP) to discuss our strategic projects and other matters of common interest;
- prior to the Council meeting, he will be meeting the NHS Counter Fraud Authority. The Authority has expressed concern about the level of fraud relating to the provision of NHS services, including in the optical sector. We will be exploring with them how they have estimated the level of fraud, what they see as the drivers and how we can work more closely with them; and
- prior to the Council meeting, he will be meeting representatives of the Medicines and Healthcare Regulatory Agency (MHRA), which has responsibility for regulating medicines and medical devices.

### **Continuing Education and Training**

44. Completion rates for registrants at the end of the CET cycle broadly mirror those experienced in 2015, with around a 5 per cent lower completion rate for dispensing opticians, contact lens opticians and therapeutic prescribers. Overall, 55 per cent of all registrants had fully completed their requirements by the end of June 2018.
45. We completed two training days for our CET approvers in October 2018 on the topic of performance measures that we expect our providers to be able to deliver. Since re-introducing annual training in 2016, the variation in approver performance and the number of appeals against approval decisions has significantly reduced.
46. During 2018 we conducted a survey of registrants, CET providers and CET approvers about the accessibility and usage of MyCET, to inform customer service and format changes as part of our new contract. These changes will be implemented in 2018/19.
47. We are in the process of appointing a new Chair of CET Approvers and two deputy Chairs and would like to formally thank Gordon Carson who has undertaken the role of Chair of CET approvers since 2004 and is due to retire on 31 December 2018 at the end of this CET cycle.

48. The MyCET contract which we tendered for in April 2018 in accordance with EU procurement legislation has been awarded to our current MyCET provider, Synaptiq Ltd trading as Perceptive.
49. The CET review has been a particular priority in this period and there is a separate agenda item for Council's consideration on this matter.

### **Education**

50. We continue to improve the education approval and quality assurance function in line with the direction of travel of the ESR, enabling better oversight of the sector and a more risk-based regulatory approach. Specifically, we have:
  - launched our annual monitoring and reporting (AMR) process, with accompanying guidance for providers, to return by January 2019;
  - published guidance on the notification of events and changes to programmes to help providers to understand what they should report to us outside of the annual monitoring process;
  - introduced a visit debrief process with the Education Visitor Panel Chairs to feed into our continuous improvement work;
  - drafted our approval and quality assurance guidance to re-state the requirements that education providers must meet (as set out in the handbooks) with greater clarity. This is in its final stages and is due for issue by the end of the year.
51. As part of our education approval and quality assurance activity, we have been developing our approach to Accreditation of Prior Learning (APL). We considered the feedback that arose from our July 2017 consultation and have revised our position as a result. We subsequently developed Recognition of Prior Learning (RPL) guidance and presented this to the GOC Education Committee in October 2018, who recommended its approval.
52. We will be sending a notification to all providers to update them on our new guidance explaining that any previous GOC agreements or approval of past arrangements is now superseded by the guidance, which will be active from date of publication having engaged with those organisations who are not GOC accredited the guidance has been developed to align with the QAA and OFQUAL principles so that we minimise any duplication or impact on our providers, many of whom already have effective and robust APL/RPL policies in place. We will monitor, and quality assure a provider's application of APL/RPL as part of our quality assurance activities, including our Annual Monitoring and Reporting (AMR).

### **Education Strategic Review**

53. The Education Strategic Review (ESR) continues to be delivered in line with the timetable agreed by Council in July 2017. As part of the policy development

phase of the Review, and after testing with internal and external stakeholders, the new draft standards for education providers and new draft learning outcomes for students have been agreed.

54. We will launch our public consultation on these before 14 November 2018 and expect to receive feedback by the end of February 2019. The consultation makes explicit the possibility of multiple models of education delivery which could include the 3+1 model, but also a fully integrated degree programme, partnerships with the College of Optometrists or partnerships with other providers of assessment. In widening the scope for innovation in course design and delivery through a change from prescriptive competencies to learning outcomes, providers, both new and existing, have an opportunity to shape courses that enable optical professionals to better meet the demands of their evolving role in healthcare provision across multiple settings.
55. At the same time, we are developing the underpinning quality assurance framework and benchmarking the framework against the regulatory and provider sectors. We will take on board the feedback from the public consultation and review our timetable for implementation, taking into account a robust assessment of impact on all of those sectors affected.

### **Communications**

56. The Communications Team has been:
- supporting the organisation internally, coordinating messaging from SMT, the Chief Executive and teams such as HR and IT. They are also developing an intranet for the organisation, using free tools already available with Office 365, designed to help internal communications and transparency;
  - supporting the regulatory functions, including communications to remind registrants of the end of the CET cycle, the launch of our new FTP Acceptance Criteria and press releases when registrants are erased or suspended from the register;
  - supporting the three big policy projects - the Education Strategic Review, CET Review and new Business Standards; and
  - providing personal support to me as Chief Executive in helping me to prepare for stakeholder meetings and speaking slots.