

Consultation Responses – Analysis

1. No responses questioned the provisions in Part 1A of the rules relating to the criteria for the disqualification, removal and suspension of members from the committees.
2. A number of respondents raised issues which relate to how the Council intends to implement the rules, rather than matters which need explicit treatment in the rules itself. For example, Optometry Wales felt that Council members should chair committees. Optometry Northern Ireland argued that there should be members from the regions on committees. These matters can be considered by the new Council and accommodated within the proposed rules.
3. There were general comments on the appropriateness of the GOC retaining its statutory committees. For example, concern was expressed by the Association of Optometrists and Federation of Ophthalmic and Dispensing Opticians about the number of statutory committees. They felt that these would be cumbersome and expensive to operate and would restrict the ability of the GOC to adapt to changing circumstances. Both bodies would preferred the abolition of all statutory committees and for the incoming Council to have the flexibility to appoint committees as they think fit subject to consultation with key stakeholders. The General Dental Council pointed out that its Education Committee was no longer a statutory committee, and that it had taken the approach that the only committees that should be statutory were those with their own quasi-judicial statutory powers in relation to the investigation and adjudication of fitness to practise cases and appeals. This matter has been debated extensively by Council and its committees. However, the new Council will have the opportunity to revisit this issue, should it wish to, as the planned 'Structures and Governance' Section 60 Order, which will deal with the issue of statutory committees, will be consulted on late 2009 and made in the Spring 2010.
4. On the proposed constitution of the committees themselves a number of issues were raised. The Project Board has considered these by e-mail correspondence, and recommends the responses outlined below:

ISSUES FROM CONSULTATION	PROPOSED RESPONSE BY GOC
<p><i>Definition of 'lay'</i></p> <p>The College of Optometrists asserts that the definition should be such so as to exclude persons such as unregistered spectacle suppliers, registered medical practitioners, or allied health professionals from being lay members of committees.</p>	<p>The definition of 'lay' in the Committee Constitution Rules is similar to the definition being used in primary legislation for the membership of Council. It is broad in its scope, excluding only registrants and employees of registrants. However, in appointing members to committees the</p>

	<p>Council can be sensitive to any conflicts and can appoint members on the basis of a 'committee specification' outlining the backgrounds from where it would wish its lay members to be drawn. It is proposed that the definition of 'lay' remain broad in the rules, and that any perceived conflicts are dealt with as above.</p>
<p><i>The position of registered medical practitioners on Standards, Investigation, Education and Companies Committee</i></p> <p>The College of Optometrists, Optometry Wales, the Association of Optometrists and the Federation of Ophthalmic and Dispensing Opticians have opposed registered medical practitioners being members of these committees. They assert that advice could be obtained from ophthalmologists by their being advisers to committees rather than full members.</p> <p>Contrary to the above, the Royal College of Ophthalmologists have welcomed that the GOC wishes to continue to have medical representation on its statutory committees.</p> <p>The International Glaucoma Association argued that given the increased prevalence of shared care schemes, the Education Committee should have at least one ophthalmologist member.</p>	<p>The view of the Standards Committee, Investigation Committee and Education Committee was that each benefited from having ophthalmologists as members. It is unclear what the benefit would be of retaining ophthalmologists as advisers rather than full members of the committees. If the advice is routinely needed then it is appropriate to retain ophthalmologists as members. It is proposed that the rules continue to require one member of Standards, Investigation and Education Committee to be a registered medical practitioner.</p> <p>The position of Companies Committee is merely an interim step until such time as it is removed from the statute as a statutory committee. It is proposed that the rules continue to require one member to be a registered medical practitioner for this interim period.</p>
<p><i>A College of Optometrists member on Education and Standards Committee</i></p> <p>The College of Optometrists has proposed that Education and</p>	<p>This can be matter for the new Council to decide, and can be accommodated</p>

Standards Committee have a member from the College	within the rules without being specified within them. It is proposed that no changes to the rules are made to specifically provide for College membership on committees.
<p><i>The balance of membership of the committees if more than the minimum number are appointed</i></p> <p>The College of Optometrists and Optometry Wales have stated that if more than the minimum number of members are appointed that the same proportion of the number of members between registrant and lay be maintained.</p>	<p>Part of the rationale of moving to a minimum/maximum approach to the number of members on each committee was to allow for additional expertise to be added to the committee to reflect the work at hand. Consideration can be given to the appropriate balance of each committee by the Council if the minimum numbers are exceeded, but it would be artificial and expensive to just bring in additional members to keep the balance exactly as it is when constituted with a minimum number. It is proposed that the rules do not require this.</p>
<p><i>Restrictions on membership of the Fitness to Practise Committee and Registration Appeals Committee</i></p> <p>The College of Optometrists has argued that no member of the Investigation Committee should then hear a case as a member of the Fitness to Practise Committee or the Registration Appeals Committee that they have previously considered as a member of the Investigation Committee</p>	<p>Agreed with respect to the Fitness to Practise Committee. This was theoretically, but unintentionally, possible on the consultation version of the rules. However, these have now been amended to state: 'a person who served as a member of the Investigation Committee when it considered a case does not serve as a member of the Fitness to Practise Committee during any subsequent consideration of the case.'</p> <p>The common law on bias would not require such a prohibition with respect to the Registration Appeal Committee.</p>

