

GENERAL OPTICAL COUNCIL

**Minutes of the 212th Public meeting of Council held on 12 November 2014 at 12.35
in the Buckingham Room, De Vere West One,
9-10 Portland Place, London W1B 1PR**

- Present:** Gareth Hadley (Chair), Morag Alexander, Brian Coulter, Paul Carroll, Rob Hogan, Liam Kite, Scott Mackie (paragraph 8100 to paragraph 8143), Fiona Peel, James Russell, Helen Tilley and Selina Ullah.
- GOC attendees:** Samantha Peters, Alistair Bridge, Mandie Lavin, Josephine Lloyd. Nicola Ebdon, Manori Izni-Muneer, Simon Grier, Lisa Harmshaw, Marta Poczowska (paragraph 8121 to paragraph 8123), and Nancy Mafico (taking minutes)
- Other attendees:** Jennie Jones, Head of Optical Consumer Complaints Service (OCCS) and Fiona Spinks, Senior Mediator at OCCS (Item 11)
- Public gallery:** Ben Cook (Deputy Head of Public Affairs, Optical Confederation), Geoff Robertson (Professional Advisor, AOP), Joe Ayling (Optician Magazine) and Ryan O'Hare (Optometry Today)

Welcome

8100. The Chair welcomed Members to the 212th public meeting of Council.

Apologies

8101. Apologies were received from Peter Douglas. The Chair informed members that Scott Mackie would be leaving the meeting at 3.00 pm.
8102. Council **noted** that this would be Morag Alexander's and James Russell's last Council meeting before they both retired on 31 December 2014.
8103. Council also **noted** that this would be Mandie Lavin's last meeting as Director of Regulation, as she would be leaving the GOC to take up the role of Chief Executive Officer of the Chartered Institute of Legal Executives (CILEX) in January 2015.

Declaration of members' interests

8104. Item seven Registrant fees Rules C39(14): all registrant members of Council declared an interest as a 'user as a trustee' but were permitted to remain in

the meeting during the discussion on this item.

8105. There were no other declarations of interests.

Minutes of the 21th meeting held on 23 July 2014

8106. The minutes were **approved** as a true and accurate record.

Updated Actions – paper C34(14)

8107. In relation to action point 12(14) Council **noted** that Rob Hogan would take over the role of Council Champion for the illegal practice strategy. The Chair thanked James Russell for the significant part that he had played as Council champion for illegal practice and for his invaluable contribution in piloting the strategy from inception through to its adoption.

8108. In relation to action point 3(14) Council **commended** the support that the Executive was providing to the devolved nations. Council **commented** that the GOC and other regulators could learn much from the developments in the optical sector in the devolved nations.

Matters Arising

8109. There were no matters arising from the minutes of the meeting held on 23 July 2014.

Chair's report – paper C35(14)

8110. Council **received** and **noted** a report from the Chair updating members on his activities since the Council meeting on 23 July 2014.

8111. Council **noted** that the public meeting held on 26 September 2014 as part of the call for evidence phase of the Standards Review had been attended by a wide range of representatives from the optics and regulatory sectors. Council **noted** the following key points which arose:

- that Continuing Education and Training (CET) should be regarded in the same way as Continuous Professional Development (CPD) in other professions in that it should be used both for ensuring required standards and for developing registrants' skillsets;
- that the standards should apply to all registrants; and
- that the scopes of practice should be reviewed to determine if they were still fit for purpose across all four nations.

8112. Council **noted** that at the meeting of the Chairs of UK healthcare regulators held on 4 November 2014, the Chairs had expressed the view that the 2015 Professional Standards Authority (PSA) symposium should be patient

focussed and consider the reasons for the significant growth in complaints that regulatory bodies were experiencing.

Chief Executive and Registrar's report– paper C36(14)

8113. Council **received** and **noted** the content of the Chief Executive and Registrar's report.
8114. In relation to habitual and vexatious complaints, Council **commented** that:
- these had the capacity to consume considerable resource in that they had to be dealt with, despite the fact that they delivered no public benefit. Instead, they served to divert attention away from activities that had a real bearing on public safety and so needed to be dealt with quickly;
 - the Executive needed to establish a process to identify and respond to such complaints; and
 - the GOC should avoid the use of the word “frivolous” in relation to such complaints.
8115. Council **delegated authority** to the Chief Executive and Registrar to put in place an interim policy on habitual and vexatious complaints following consultation with the Chair of the Council and the Chair of the Audit and Risk Committee (ARC).
8116. Council considered the related issues of duty of candour and whistleblowing and **commented** that:
- whilst registrants' professional duties with regard to whistleblowing was clear, there could be financial considerations that might influence individuals' decisions where such issues were to arise;
 - there was a possible link between duty of candour and whistleblowing and the GOC might have a part to play in the independent review (“*Freedom to speak up*”) into whistleblowing in the NHS being led by Sir Robert Francis; and
 - the duty of candour was appropriate where there was risk of serious harm and there was a need for balance when applying the duty of candour.
8117. Council **noted** that:
- the GOC supported the review into whistleblowing in the NHS and would consider engaging more closely with the review;
 - it was important to consider whistleblowing from the individual's point of view and the environment that they were working in;
 - the GOC had made it clear that candour applied to all registrants and that every registrant should adhere to the principle; and
 - the Executive would take members' comments into consideration in its work in this area and would consider the link between candour and

whistleblowing.

**Financial performance report quarter 2 (July to September 2014) –
paper C37(14)**

8118. Council **received** a paper providing the financial performance report for the period ending 30 September 2014. The Director of Resources reported that she had reviewed the figures for the period and assured Council that this was a satisfactory financial position for midway through the financial year.
8119. Council **noted** that:
- the Executive was fully engaged with the management of the GOC's finances and ensuring that financial awareness was embedded within the organisation;
 - the quarter two forecast showed an improvement in expected financial performance for the year as a result of improved income levels for registration and savings in hearings and committee costs;
 - the continuing development work on planning and forecasting revenue, focussing on phasing and timing of registrations and retentions had been used to prepare both the forecast income and the draft budget for 2015/16; and
 - the Executive's view that much work was being done and still could be done to improve the expected financial performance for the year.
8120. Council **noted** the financial report and the actions being taken to monitor and manage costs in 2014/2015.

**Performance Report: quarter 2 (July to September 2014) – paper
C38(14)**

8121. Council **received** and **noted** the content of the quarterly performance report for quarter two which was the second report in the new format. Council **noted** that overall the GOC was meeting 46 per cent of its performance targets. It was also **noted** that the targets set for Fitness to Practise (FTP) indicators in 2014/15 were designed to be challenging and that the majority of the GOC's targets were more challenging than the PSA's targets.
8122. Council **noted** that:
- new FTP procedures and rules had come into effect from 1 April 2014, but it was too early at this stage to assess the impact of the changes on case progression;
 - there was a need to establish threshold criteria to categorise cases based on the seriousness of the complaint and ensure the more serious cases were progressed quickly;
 - general satisfaction with case outcomes had increased due to the case

examiners' work but an internal audit would be required to properly assess the impact of case examiners' work on the completion rate of FTP cases;

- the rise in the number in complaints could be due to the GOC's higher public profile and the organisation needed to ensure it had adequate resources to manage the increase in cases; and
- an internal audit was underway to scrutinise legal charges.

8123. Council **commended** the Executive on the high quality of the report and **commented** that there had been a significant improvement in reporting quality generally. This engendered confidence in that Council was able to take assurance of the performance of the Executive. Council was **invited** to continue to feedback on the format and level of detail contained in reports.

Registrant fees Rules – paper C39(14)

8124. Council **considered** the registrants' fee for 2015/16 and **agreed** that they should be set as follows:

- £310 for fully qualified registrants (an increase of £20);
- £25 for student registrants (remains the same as for 2014/15);
- £210 for low income registrants earning under £12,000 (an increase of £20); and
- £310 for bodies corporate (an increase of £20).

8125. In making its decision to increase the fee, the Chair **advised** that Council had taken the following factors into account:

- the impact of inflation and the work that the GOC was doing to protect the public and be fair to registrants;
- the significant increase in FTP complaints compared to the previous year required additional resourcing in order to meet the target time for completion, as well as the expectations of registrants, the public and Government to continue to strive for earlier resolution of cases;
- the need to increase investment in research to ensure that the GOC understood the landscape which it regulated and also increased its understanding of registrants' and patients' views; and
- the need to ensure that the GOC was sufficiently resourced for the next year.

8126. The Chair **assured** registrants that the GOC would continue to work efficiently to minimise the fee burden but it would need to be adequately resourced to meet its objectives and to carry out its work.

8127. Council **endorsed** the Fees Rules for 2015/16 which were signed by the Chair and Chief Executive and Registrar.

Annual report and financial statements for the year ended 31 March 2014 – paper C40(14)

8128. Council **received** the draft Annual Report and Financial Statements (the annual report) of the GOC for the period 1 April 2013 to 31 March 2014 as presented by the Audit and Risk Committee (ARC). Council was **reminded** that a new external auditor (the auditor) had been appointed and this had resulted in changes in the way that information was presented. Council **noted** that the annual report had been considered and approved by the ARC before it was presented to Council for approval. It was **noted** that the annual report would be sent to the auditor for signing before being submitted to the Privy Council for laying before Parliament and also that it would be published once approved by Parliament. It was further **noted** that the report would be submitted to the Charities Commission as the GOC was a registered charity.
8129. In considering the report, Council **noted** that:
- the audit findings report was very positive and any identified issues had been dealt with by the time the ARC considered the report;
 - there were no issues which the auditor considered a significant enough risk to be brought to Council's attention;
 - the discrepancy between the total number of optometrists in the tables on page 11 table and page 12 would be corrected and was not an obstacle to signing the report; and
 - the exchange of contracts for the lease surrender on 41 Harley Street, London had taken place on 12 November 2014.
8130. Council **noted and agreed** with the ARC recommendation that when taken as a whole, the annual report for the year ended 31 March 2014 was fair, balanced and understandable and provided the necessary information to assess performance during 2013/14.
8131. Council **considered and approved** the annual report for the year ended 31 March 2014.
8132. Council **delegated authority** to the Chair of Council to sign off the final version of the annual report, incorporating any amendments Council was minded to make, before it was submitted to Privy Council.
8133. The Chair of Council **signed** the Letter of Representation for and on behalf of the GOC.
8134. Council **noted** the GOC Senior Management Letter of Representation.

Standards review: call for evidence – paper C41(14)

8135. Council **received** a paper summarising the responses to the call for evidence on the Standards strategic review. Council **noted** that there was broad support for the objectives, phasing and timescales of the review.
8136. It was **noted** that :
- the GOC would take a greater leadership role in setting the standards of practice which all registrants must adhere to;
 - other bodies played an important role in providing guidance for registrants on how to meet the standards;
 - it was important to test the new standards with stakeholders including registrants to ensure that they were flexible enough to cover developments in optical practice in different parts of the UK;
 - the GOC would consider in more detail the issues raised by respondees to the call for evidence; and
 - the GOC would consult on the draft standards of practice (including standards of ethics and performance) from March to May 2015.
8137. Council **commended** the approach taken by the GOC of starting with a call for evidence and suggested that it would be worthwhile applying the same approach to other similar projects. Council **commented** that the GOC had gained more clarification in a number of areas and that getting the standards right would greatly assist the FTP panels. It was **noted** that respondees had been asked in advance to indicate whether they would be willing for their responses to the call for evidence to be published and attributed to them but that the GOC would check this prior to publication of the statement.
8138. Council **approved** the statement on the outcome of the Call for Evidence for publication and **delegated authority** to the Chair of the Council and the Chief Executive and Registrar to sign off the final version of the statement that would reflect Council's comments.

Optical sector report – paper C42(14)

8139. Council **received** a report on optical sector trends and developments which incorporated input from the statutory advisory committees. Council had previously **considered** a draft of the report at the Council Strategy Day held on 1 October 2014.
8140. Council **commented** that:
- the cost to the NHS of traffic accidents resulting from poor eye health should be recognised;
 - the different rate of development in the scope of the professions across

the devolved nations had resulted in a significant learning curve for the GOC;

- information technology was important in underpinning optometric practice; and
- some local optical committees in England were making valuable progress in promoting more enhanced community services alongside positive developments in other parts of the UK.

8141. Council **noted** that:

- Comprehensive vision care (CVC) was increasingly connected to mainstream NHS eye health care delivery;
- Scotland had moved ahead with electronic referrals; and
- Northern Ireland (NI) had moved forward with electronic payments followed by referrals.

8142. Council **noted** that the Registration Committee had reviewed this paper at its meeting on 23 October 2014 and was satisfied with its contents. Council **noted** that the Executive would provide updates on policy developments across the GOC for meetings of the statutory advisory committees.

8143. Council **approved** the report for publication, subject to incorporating any comments on points of detail the members were minded to make. Council **delegated authority** to the Chief Executive and Registrar and Chair to sign off the final version of the report.

Optical Consumer Complaints Service: presentation by Nockolds

8144. Council **received** a report from the Optical Consumer Complaints Service (OCCS) summarising the service provision under the new contract for the first six months. Council **noted** that Nockolds was awarded the contract to provide the complaints service from April 2014.

8145. Council **noted** that:

- all outstanding active complaints inherited from the previous provider had been resolved by mid-July 2014;
- the OCCS was engaging proactively with stakeholders to promote awareness of the OCCS' role and to raise the service's public profile;
- the OCCS was gathering equality and diversity data from both complainants and registrants;
- the service was achieving a 96.4 per cent resolution rate where it mediated complaints;
- in the first six months, 8 per cent of complaints had been referred to the GOC's FTP team, whereas previously 33.3 per cent of complaints had been referred to the FTP team;

- the OCCS would engage with local groups and charities to raise awareness of signposting consumers to agencies which could assist them further;
- the OCCS would engage with the Parliamentary and Health Ombudsman to scrutinise and seek clarity on the overlap in remit between the Ombudsman on the one hand and the OCCS on the other; and
- the service would engage with local groups in the devolved nations in order to learn about developments in practice across the nations.

8146. Council **requested** that OCCS revisit paragraph 59, page 17 of the report to clarify the categories of practitioner business and expand the equality and diversity categories (paragraph 61, page 17) to include age and location. Council **noted** that OCCS would be reporting on an annual basis.

8147. Council **noted** the contents of the report, **agreed** that it provided Council with appropriate assurance and **thanked** Jennie Jones and Fiona Spinks.

Promoting fitness to practise (FTP) decisions to the media: policy –
paper C44(14)

8148. Members **received** a paper updating them on how the communications and FTP teams were working together and asking them to approve the GOC proposed policy on using the local media to raise awareness of FTP decisions. The new policy would be of great benefit for public protection by letting the public know when a practitioner in their area should no longer be practising.

8149. Council **noted** that:

- in drafting the proposed policy, the Executive had consulted the Chairs of Hearing Panels;
- the GOC would issue press releases during the period that a registrant could appeal a decision, but would make it clear in the release that the registrant had a period of time in which to appeal the decision;
- the PSA could take FTP decisions to the High Court for review but the GOC already published determinations at the time when they were made and pending any PSA appeal;
- the GOC would only publish information that was already in the public domain; and
- the policy would have the secondary benefit of raising public awareness of the GOC's role, and of the optical professions as regulated professions, thus boosting public confidence.

8150. The Council **approved**:

- the policy for promoting FTP cases through the media for implementation

from January 2015, adopting option two (sending a press release for erasures and substantive suspensions only); and

- a policy of clearly editing the press release when the registrant returned to the register to make it clear that this was the case.

Any other business

8151. The Chair reminded members that this was Morag Alexander's and James Russell's last meeting as members of the GOC. The Chair thanked them both for their valued contribution to the work of the Council. Council **noted** that Morag Alexander had brought a wide knowledge of the systems of government across the United Kingdom and of how organisations like the GOC were governed. It was further **noted** that she had been the Council champion on the property relocation project. Council also **noted** that James Russell had brought valuable insight and experience as a practising dispensing optician, had championed the cause of patient safety and had also been the Council's champion on illegal practice.
8152. In response, Morag Alexander commented that she had found her time at the GOC beneficial and valuable and that the GOC was now in a strong position as regulator and well regarded by the PSA. She further commented that it had been a pleasure and privilege to work with the GOC. James Russell thanked members and the Executive for their support and help and commented that it had been an honour and a privilege to serve on the Council.

Date and time of next meeting

8153. The next public meeting of Council would be held on **Wednesday 11 February 2015**, De Vere West One, 9-10 Portland Place, London W1B 1PR.
- 8154 The meeting closed at 15:19.

Chair