

COUNCIL

Chief Executive and Registrar's report

Meeting: 14 May 2019

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. During the last quarter the registration renewal process has concluded, with 97.5% of fully qualified registrants and 96% of business registrants successfully renewing. A total of 392 (1.7%) registrants were removed for a failure to meet their CET points, in line with the end of the previous CET cycle, and have been invited to restore their registration.
3. Although still early days, for the third consecutive month we have closed more Fitness to Practice cases than we have opened, resulting in lower caseloads for our investigators and the potential for speedier resolution of remaining cases going forward.
4. During the past quarter the GOC fined a business registrant £50,000, the maximum financial penalty, for failings in relation to whistle-blowing. We want to ensure that all businesses can learn from this case and intend to update our guidance for the sector in relation to raising concerns. As part of that work we are engaging with the NHS National Guardian, whose work on speaking-up extends to all those commissioned by the NHS including private sector providers. We will also be looking in parallel at our internal whistle-blowing procedures.
5. We will present the findings of our consultation on new Education Standards as part of this meeting and discussions on wider aspects of the Education Strategic Review have continued, with Subo Shanmuganathan, our Director, Education speaking to a wide range of stakeholders. Her extensive engagement over this period is shown at Annex 1. All these discussions have been incredibly important and will help shape our response to the consultation in due course.
6. In March we published our 2019/20 Business Plan which outlines what we plan to deliver on our strategic projects and regulatory functions. We also published

our 2017/18 Diversity Monitoring Report and are considering the data in our work.

7. Internally, we have begun to think about the development of our next strategic plan, for 2020-23. The timing works well as our new Senior Management Team begins to form and we have welcomed several Council members to small group discussions with staff. The input from people across the organisation has been fantastic. There is deep commitment to serving both the public and our registrants and lots of ideas for how we can do that more effectively. I look forward to bringing those ideas to Council in due course.
8. Finally, we have welcomed a new Interim Head of HR, Shiela O'Neill who takes over from Teresa Coupleditch. I would like to place on record my thanks to Teresa for all that she done during her time in this role. She will remain working for us on an interim basis, focussing on a number of specific issues including updating the GOC's policies and procedures.

Standards

9. Our **business standards** were published in April, a little earlier than planned, and work has commenced on a broader communications campaign to embed the standards over the coming year. I would like to publicly thank the team responsible for this work and the many registrants and organisations that fed into their development. We trust the new standards will help businesses and their staff to deliver services to the public that are both excellent and safe.
10. We have also launched our consultation on guidance for registrants related to disclosing confidential information about patients, including referral to the DVLA, as we know this is an area that our registrants feel they need greater clarity. The consultation closes on 13 June 2019 and we anticipate the guidance being issued later in the year.

Education

11. There is a separate paper on the findings of the **Education Strategic Review** (ESR) Education Standards consultation and we are looking forward to discussing next steps with Council at the May development day, prior to formal Council. We expect that we will come back to Council for decisions on a range of high-level issues in July, with a view to further, more detailed work for final decision in November.
12. Our risk research is well underway with the quantitative survey, which had a phenomenal response, now closed. Further analysis will include our FTP data, data from OCCS and some insurers as well as more in-depth interviews and focus groups with external stakeholders. We have been asked whether we will publish the findings and I'm pleased to confirm that that is our intention, in an

anonymised form and subject to any further data protection constraints.

13. Following the re-scheduling of our **Continuing Education & Training (CET) reforms**, we have the opportunity to align this work with the ESR and consequently have been re-planning the work to ensure that the dependencies are well understood and planned for in the context of a three-year CET cycle, with changes to the scheme starting in 2022. Equally, in line with Council's steer, where there are improvements that can be made within the current cycle, that do not require legislative reform, we are keen to pursue these. We are planning further work on reflective practice, underpinning standards, rebranding CET as CPD, support for supervisors and support for transition into practice.
14. At the end of the 3 year **CET cycle** a total of 392 registrants (1.7%) were removed for CET failure, a further 157 retired and 217 failed to apply, and so were removed from the register, for other reasons. There were 12 appeals against CET removal, one of which has been withdrawn and the others are still in progress.
15. A full evaluation of the CET cycle in terms of registrant behaviour and GOC performance is underway and Council may be interested in the following early statistics which reflect positively on registrant professionalism:
 - Reflection: 70% of registrants set between 2 and 10 learning goals over the cycle (as opposed to the mandatory 1 learning goal)
 - 50% of dispensing opticians completed a minimum of 12 CET points per year (rather than the expectation of 6 points) and this rose to 60% for optometrists
 - 77% of optometrists completed more than the minimum 36 points total requirement of CET over the cycle compared to 56% of dispensing opticians
 - 82.5% of DOs completed a peer review, without it being a mandatory requirement, with one DO completing 14 peer reviews during the cycle
16. It is a condition of GOC approval that providers submit information about their programmes to the GOC on an annual basis. Following the October 2018 launch of our revised **Annual Monitoring and Reporting (AMR) process** for providers, we received 100% of annual monitoring and reporting returns in January 2019. We produced for Education Committee review, and will shortly publish, a sector report to analyse sector trends and risks across all programmes which will be used to inform our upcoming approval and quality assurance work. We also produced individual provider reports to give specific feedback regarding each programme.

Registration

17. This past quarter has been exceptionally busy for our registration team as they have dealt with the renewal process coinciding with the close of the three-year

CET cycle, including consideration of exceptional circumstances. Levels of renewal were similar to previous years with 97.5% of individual registrants renewed and 96% of bodies corporate.

18. For the first time, individual registrants were asked to:
 - provide details of their professional indemnity insurance policy expiration date;
 - check education and qualification information provided previously and given the opportunity to add further educational information;
 - complete an Equality Diversity Information (EDI) monitoring survey, enabling us to better understand the diversity of our registrants and provide us with a better base to assess impact, avoid unintended barriers for particular groups and advance the promotion of equality and diversity;
 - indicate their electronic correspondence (email) preference to reduce the need for future paper correspondence.

19. Again, I would like to thank the team, not just for completing this task in such a short time frame, but also for the professional and courteous way in which they have dealt with queries, advising registrants of the easiest and quickest way to maintain their ability to practice, often through restoration.

Casework & resolution

20. A separate paper covers ***Fitness to Practice*** casework in more detail, but the headline is that the number of open cases is now falling consistently month on month, as is the average age of open cases. That releases more time for other cases to be progressed more quickly, but we need to build on this virtuous circle to accelerate the progress being made. In that context, I have been pleased to see Dionne Spence our Director, Casework & Resolution engaging with the Optical Consumer Complaints Service (OCCS) and the defence bodies as she takes stock of our FTP processes and examines ways of speeding up our investigatory and hearings processes in the interests of complainants and registrants alike.

21. The overall number of ***hearings*** concluded is above forecast but two hearings have recently had to be re-scheduled at the very last minute, with significant implications for the individuals concerned, the organisations supporting them and for the GOC. We are committed to a thorough review of the issues in both cases to ensure that we learn lessons and address them as far as we are able going forward.

22. It was good to see all FTP staff engaged in a session recently focussed on the ***customer experience of FTP cases*** (registrant and complainant) using case studies amalgamated from real cases. In my subsequent discussions with staff,

there is enthusiasm for doing more to work with our registrant base, making it easier and less scary for them to interface with us. Some staff have supported sessions run by partner organisations designed specifically to de-bunk some of the myths surrounding the GOC and our fitness to practice functions.

23. We continue to act in relation to **illegal practice**, in accordance with our protocol. In Q4, we opened 12 new illegal practice cases and closed 32 cases. Of the 32 closures: 14 were closed because the seller was based outside of the UK, 5 because of insufficient or no evidence, 6 were referred to Trading Standards, 1 case was closed with a warning and 6 because the suspected illegal activity had stopped.
24. As the GOC has no statutory investigation or prosecution powers, we collaborate with other agencies as appropriate including a recent case that came to us via a local Trading Standards organisation. They reported a resident's complaint that a local shop was distributing leaflets selling fashion contact lenses. We wrote to the shop's Head Office explaining that such sales were illegal and reported the leaflets to the Advertising Standards Authority (ASA). Through our collaboration and the ability of Trading Standards to visit the premises, the business ceased selling contact lenses from all their High Street outlets and online. The ASA also agreed to investigate the leaflet distribution, though that was not necessary following the cessation.
25. We are continuing to explore opportunities for collaboration, and the Association of Independent Optometrists (AIO) have offered to assist our investigations including by liaising with Trading Standards where needed. Our Protocol's risk-focused approach means that we target cases with the greatest risk to public safety and/or confidence in the optical professions. For example, we are formally investigating a UK-based company that supplies prescription contact lenses without first verifying the contact lens specification with the supplier.

Resources

26. We ended 2018/19 well within budget and ahead of our 3-year trajectory for reducing reliance on reserves. Staff have engaged positively with a range of operational **efficiency initiatives** including re-negotiating contracts to offer greater value-for-money.
27. The GOC's **Information Technology** has undergone significant change over the last 15 months and our focus in the last quarter has switched away from the infrastructure toward to improving operational performance and implementing IT efficiencies. An **IT Strategy Group** has met regularly since January and has prioritised all business requirements, which have been rationalised into a realistic program plan with associated budget, to be discussed with Council.

28. The **staff survey results** have been discussed at an all staff meeting and Directors have held several discussion groups with nominees to probe in more detail, and plan our response to, the issues raised. This has been combined with input from individuals and teams to create an action plan, progress against which will be reviewed by our Staff Engagement Group (SEG) going forward. I intend to include updates in this report from next quarter onwards.
29. Following extensive staff consultation and review by the Remuneration Committee, a **new pay policy** is due to be introduced shortly. We believe that this new system will be more sustainable, allowing us to set a pay bill increase in the light of what is affordable in any given year. Ensuring that the new system is applied fairly is paramount and training for managers is already underway. We will also continue the approach to moderation introduced at mid-year and will pilot 360-degree feedback with SMT and the Leadership Team this year, with a view to rolling out further over time.

Strategy

30. We are working with the Department of Health and Social Care (DHSC) to secure the legislative change needed to remove the cap on the number of members we can appoint to our **hearings panel**. At the moment, this cap limits the number of fitness to practise hearings we can hold in parallel.
31. We are also continuing work on our **legislative reform** project, which is designed to identify, secure and prepare for the implementation of legislative changes that would enable us to carry out our public protection role more effectively and efficiently. The Government has yet to publish its response to the consultation on regulatory reform carried out last year, but we are engaging with DHSC to ensure that they understand our requirements and take them into account in developing their plans for reform.
32. Following **Love Your Lenses Week**, we are evaluating the campaign's impact over the past three years and at the July meeting will be sharing the results with Council and discussing next steps, including how the GOC can hand over orchestrating and funding this activity in the future.
33. We implemented a change in how the **route to registration for non-EEA dispensing opticians** is administered, with the mapping stage, which involves assessing applicants' knowledge and skills, moving from ABDO to the GOC at the end of March 2019. The process has not changed, and we have ensured that we have the requisite expertise among our expert assessors to carry out this mapping stage effectively.
34. A **communications** priority has been supporting the launch of the new Standards for Optical Businesses and raising awareness of the new Standards

among stakeholders. This story has been picked up by the optical press and has been received positively in most areas, with stakeholders appreciating the listening approach that the GOC took, making meaningful amendments in response to stakeholder feedback.

35. We also continued to develop and promote the use of *Iris*, our new intranet, which is proving to be a really helpful way of sharing information within the organisation, as well as being an accessible source of information about all policies and processes.
36. A **Governance** priority has been progressing the appointment campaigns for a new lay Council member and 20 registrant Hearing Panel members. We have also reappointed 23 current HP members for a further term and published an updated Member Appointment Process.
37. We have conducted investigations into two **data breaches** due to human error and internal access rights, neither were reported to the ICO as the risk of harm to the data subjects was considered minimal. There were a further two near miss data security incidents and a data breach by a third party identified.

External developments

38. We have continued to monitor developments in relation to **Brexit** and have published FAQs, which we have kept up-to-date in the light of further information from DHSC and other bodies. We have also been in regular contact with key stakeholders, including NHS England, to monitor and discuss how best to manage any risks in relation to the optical sector.
39. Following discussion at a meeting of regulatory and inspection bodies, we met the Care Quality Commission to discuss signing up to the **emerging concerns protocol**, which provides a mechanism for regulators to share intelligence about issues they identify with a health or care provider to enable a proactive and joined-up response.
40. We attended a meeting of the inter-regulatory working group that is seeking to develop a unified **complaint handling framework** for healthcare professionals, led by the Parliamentary and Health Service Ombudsman (PHSO). The purpose of this initiative is to simplify and improve complaints-handling across the health sector, particularly in NHS-led organisations.
41. We also attended a meeting of the inter-regulatory working group on professional guidance for **online prescribing**, which involves healthcare regulators and the Care Quality Commission. This provides a useful forum to explore common issues across healthcare and develop a consistent and coherent approach to regulation.

42. We have agreed to join (as an observer) the College of Optometrists' working group to develop the next version of their ***guidance for professional practice***. This work will take place over next 18 months.

Stakeholder engagement

43. Since the last Council meeting I have met or had calls with a number of industry bodies, including Harjit Sandhu, newly appointed CEO of FODO, Ian Humphreys, CEO of the College of Optometrists, Henrietta Alderman CEO of the AOP and Barry Duncan, Deputy CEO of ABDO. These meetings focussed on our progress on the Education Strategic Review and other matters of joint interest to our organisations. I also travelled to Cardiff to attend an Optometry Wales dinner and speak with colleagues about Welsh issues.
44. In March I attended the ABDO Gala dinner and the following day was hosted by Clive Marchant and Tony Garrett on an excellent visit to the National Resource Centre in Birmingham. Before returning I visited the GOC stand at the Optrafair and had an impromptu meeting with Andy Hepworth and a few of his colleagues at the Essilor stand, to discuss regulatory policies on various issues to do with lenses and prescriptions.
45. Together with Subo Shanmuganathan, I hosted a separate meeting with ABDO's education leads and spoke at their Regional Team Meeting in Birmingham.
46. I have continued to engage with my fellow regulators, including attending the Department of Health and Social Care's 'Reforming Regulation- Policy Discussion', and attending a seminar hosted by the Professional Standards Authority (PSA) in collaboration with Scottish legal organisations and professionals in Edinburgh. The focus of the seminar was on the challenges to regulators of balancing the three limbs of their objectives: the protection of the public, the preservation of standards and the maintenance of public confidence in the profession.
47. Mark Webster and I met with Mazars, our internal auditors, to discuss next year's audit programme.
48. Finally, I had a very useful meeting with Henrietta Hughes, the NHS National Guardian and her colleague Russell Parkinson. We discussed their work around "speaking up" in the NHS and wider health sector and its alignment with work we are planning in relation to whistle-blowing, both internally and in the optics sector.
49. Other Directors have also had interactions with a range of stakeholders (*see annex 1 for full details*).

Meetings/visits since last council session:

Subo Shanmuganathan Director of Education:	Alistair Bridge Director of Strategy:	Dionne Spence Director of Casework and Resolution:	Mark Webster Director of Resources:
BCLA	DHSC	OCCS- Monthly calls	Mazars- Internal Audit Director
AIO	PSA- Mark Stobbs	OCCS- Jenny Jones, Richard Edwards	Haysmacintyre- Audit partner
AOP/FODO	CORY- Ginny Hanrahan	AOP- Ella Fanci	
ASDA	PSA- Academic Research Conference	OCCS- Quarterly Meeting	
Vision Express	Johnson & Johnson- Kamlesh Chauhan	ABDO- Katie Docker	
Specsavers	CESG	GPHC- Carole Auchterlonie	
Optical Express	NHS England- Carole Reese, Richard Everitt	OCCS CET event	
BBR Optometry	CQC- Charles Rendell, Julie Ing		
Scrivens	FODO- David Hewlett		
Boots	PSA		
Dept of Health x3 (Poonan Sharma, David Geddes, Claire Armstrong)	CMA		
HEE x2 (Jenni Field, Ian Newton)	BCLA		
Moorfields x3 (Jay Varia - optometrist, Sarah Canning – Head of Optometry, Parul Desai)	GCC		
Royal College of Ophthalmologists	Vision UK		
ABDO College	PSA- Daisy Blench		
Glasgow Caledonian University	PSA- Kark Seminar		
Teesside University	DHSC		
Highlands and Islands University			
Cardiff University			
Plymouth University			
Anglia Ruskin University			
Bradford College			

PUBLIC**C11(19) – ANNEX ONE**

City and Islington University			
Manchester University			
Bradford University			
University of Herts			
University of West England			
City University			
College of Optometrists			
Ulster University			
HSPC			
GMC			
GDC			
GPCH			
NMC			
GOSc			
SeeAbility			
RNIB			
Student Forum Groups			