

GENERAL OPTICAL COUNCIL

**Minutes of the 137th Meeting of the Companies Committee
held on 12 February 2008**

Present: Mr B J Carroll (in the Chair)
Professor R Anderson, Mr M W Bateman, Mr K Cavaye,
Mr. I Hamer, Mr M Hansford, Mr. A Sadiq, Mrs R Varley.

In attendance: Mr P C Coe, Registrar
Mr P J Ireland, Director of Corporate Resources

Election of Chairman

2754. The Registrar announced the results of nominations for the position of Chair of the Committee, for which Mr B J Carroll was nominated unopposed and duly elected as Chairman.

Election of Deputy Chairman

2755. The Registrar announced the results of nominations for the position of Deputy Chair of the Committee, for which Mr M W Bateman was nominated unopposed and duly elected as Deputy Chairman.

Apologies for absence

2756. Apologies for absence were received from advisers to the Committee Mr B Collison, Mr J Gordon, Mr D J D Perkins and Mr B Smith.

Chairman's Opening Remarks

2757. The Chairman welcomed Mr A Sadiq, newly appointed ophthalmologist Council member to the Committee and general introductions then followed. The Chairman also gave a brief introduction and background of those advisers to the Committee who were not present.

2758. The Chairman recorded the thanks of the Committee to Dr S T D Roxburgh who had previously served on the Committee.

Declaration of Interests

2759. The requirement for Members and Advisers to declare any personal interest under paragraph 6(a) of the Council's Code of Conduct was duly noted.

Confidentiality

2760. The requirement for Members and Advisers to adhere to the rules of confidentiality under Standing Orders 5.23 to 5.26 was duly noted.

Minutes of the 136th Meeting

2761. The minutes of the 136th Meeting of the Committee were agreed as a true and accurate record of the meeting and duly signed by the Chairman.

Matters Arising

2762. There were no matters arising.

Sale and Supply of Optical Appliances

(a) Guidance

2763. It was reported that the guidance issued by the College of Optometrists and the Association of British Dispensing Opticians on sale and supply of optical appliances had now been brought into line. The Council intended to issue a press release welcoming the finalisation of their guidance by the two bodies. It was agreed to circulate a copy of Council's release to Members once it was published.

(b) Internet supply of spectacles

2764. The Chairman referred to an article published in 'Optician' magazine on 25 January 2008 entitled *The Internet and Optics*. This highlighted the practise of unregulated sale of spectacles over the internet. The Chairman suggested that there should be a wider debate on the impact of the internet upon patient safety and the risks to patients from the remote sale of spectacles.

(c) Sale of Optical Appliances Order 1984

2765. It was reported that the Order was presently under review by a Standards Committee working group and that the Chairman of Companies Committee sat on the group. This working group was reviewing the legal basis for making a claim of illegal sale and what an allegation should contain.

White Paper – Trust, Assurance and Safety

(a) Decisions Reached by the Council

2766. Members noted that agreement had been reached by Council on the following aspects of its future legislation at a meeting held on 22 November 2007:

2767. That the future constitution of Council for the six positions of registrant members would be four optometrists and two dispensing opticians.

2768. A stakeholder Engagement programme was a statutory requirement under the future legislation. Council had agreed that the executive should devise and deliver a stakeholder engagement strategy, and the executive would seek the views of a stakeholder group as to how this would be done most effectively.

2769. A person specification for new members of Council had been drafted for both lay and professional members, although some amendments to the draft had been requested.

2770. The Council had expressed overwhelming support to retain statutory committees for at least Education, Registration and Investigation.

2771. Council would apply the civil standard of proof from the date it became a statutory requirement, probably November 2008. It would ensure its FTP Panel members were adequately trained in the meaning of the code and received guidance as to the cogency of the evidence needed when considering the seriousness of an offence.

(b) Update on the GOC Work Streams

2772. Members noted the progress made at the GOC's Revalidation seminar held on 4 October 2007. Copies of the minutes of the Non-Medical Revalidation Working Groups for July 2007 and November 2007 were also circulated.

2773. Progress on the change in the constitution of Council was reported. Although the current Bill would remove the prohibition on using Section 60 Orders to provide for lay majorities on councils, there would still need to be a separate, new S.60 provision to provide for a lay majority on the GOC, but the necessary legislation was not expected to be approved until 2010. It was therefore proposed that rather than delay, this objective should be reached in two stages, initially reducing the Council to 12 with parity between lay and professional membership - which was possible under current law. An additional lay member would be appointed once the enabling legislation was in place.

(c) Update from National Working Groups

2774. The GOC's representative on the Tackling Concerns Nationally Working Group, Mr. I Hamer, updated the meeting with progress on discussions concerning soft information held by PCT's and other health bodies concerning the fitness to practise of registrants. The meeting agreed that the preferred central depository for all information should be the GOC.

(d) Independent Adjudication Body

2775. Members noted the correspondence from the Department of Health on various aspects of the Health and Social Care Bill. It particularly noted the plan to create an independent adjudication body, independent of any Council, to sit in determination of fitness to Practise cases brought by health regulators.

2776. The establishment of the Office of the Health Professions Adjudicator (OHPA), intended to take on the existing adjudication functions of the GMC and GOC, and the framework for the new body was set out in the new Bill. The GOC had responded to the DH letter and expressed a wish that its cases be referred to OHPA at the earliest opportunity. It also noted in its response that there concerns over some aspects of the fees to be charged to the GOC for OHPA services.

2777. The chairman noted that with all the discussions underway by the various committees and working groups, there was a risk that input from Companies Committee to discussions and decisions being made could be overlooked. He proposed bringing forward the date of the next Companies Committee to 24 April in order to consider the groups input on how corporate representation could be included in the constitution of the future Council and its committees.

2778. The brought forward date would be **Thursday 24 April 2008 at 10:30am**, and the group would consist of the Companies Committee members, plus the advisers from bodies corporate to the other GOC committees.

Independent Prescribing

2779. Members noted the progress for the introduction of independent prescribing. The Timetable was that the POM Order was anticipated in April 2008, and this would enable the Rules to be made at July 2008 Council. A copy of the consultation to amend the Rules was circulated together with details of the responses received and the draft Rules Order. Five responses had been received, from: the University of Manchester, the College of Optometrists, the Southern Health and Social Services Board, the Association of Optometrists and the Federation of Ophthalmic and Dispensing Opticians.

Safeguarding Vulnerable Groups

2780. Members noted the contents of a joint paper considered at Registration, Standards and Education Committees on the extent of linkage between GOC

registration and membership of the vetting and barring scheme. Registration and Standards Committees had already met and both had considered the options set out. Both had concluded that membership of the vetting and barring scheme should be a condition of registration when it was introduced in late 2008. Members of the committee felt that the scheme was very relevant to professional staff but not, in general, appropriate for support staff as they worked in a normal retail environment.

Review of CET

2781. The Council had recently issued a consultation document entitled *CET post 2010: Reaching the Future* on proposed changes to the CET Scheme commencing 1 January 2010. Responses to the consultation were required by 31 January 2008 and had yet to be analysed.

Consumer Complaints Mediation Service

2782. The outcome of the tender for a consumer complaints mediation service funded by registrants via a levy on the GOC registration fee had been concluded. The tender panel had agreed to award the contract to the Optical Consumer Complaints Service (OCCS). Despite the encouraging number of initial enquiries, only two tenders had been received. Concern was expressed at the very high cost of organising the tender process as reported by the Registrar. It was noted that the present contract might be extended to run for more than the initial three years, which would significantly reduce such costs over future years.

2783. It was reported that funding of the service would rise by £22,000pa from 1 April 2008 following improvements to be made by OCCS to its systems from this date. Members were keen to ensure that the levy collected from registrants fees closely matched the hypothecated funds the GOC collected and passed on to OCCS for the services, and that any "handling fee" was reduced to a minimum. The GOC monitored all costs associated with the funding of OCCS and would reflect this in determining the annual levy on registrants.

Update of Sight Test Fees

2784. The Deputy Chairman of the Committee, who was Chairman of the Optometric Fees Review Committee which negotiated with the Department of Health on the setting of the sight test - fee, gave a verbal report of the present situation.

2785. With 70% of all sight tests in England paid for by the NHS, the present fee reimbursed to the profession was £19.32 for the basic sight test. It was estimated that a realistic cost of providing the service was double this amount. The fee now paid in Scotland for the primary sight test was £40.00.

2786. The Department relied upon the fact - that that optical practices were forced to cross subsidise the NHS fee from the sale of spectacles. However the current economic climate was challenging for all high street businesses – and optics was not exempt. Against a background of intense pressure on slender margins in the high street and unfettered competition from internet suppliers it was becoming increasingly difficult to continue to subsidise the NHS sight test.

2787. It was felt that the GOC should be aware of the threat to the continuing viability of practices posed by the failure of the Department of Health to pay an economic fee – compounded by what many see as failure of the GOC to protect the public and take action on the internet supply of spectacles.

2788. In 2007 the sight test fee increased by 2.5% and the prospects for 2008 were an at or below inflation increase.

UK Vision Strategy Consultation

2789. Members noted the consultation on the Draft UK Vision Strategy. The Paper included the responses submitted to the consultation by the GOC, AOP, College of Optometrists and Optometry Wales.

Items for Information

Membership and terms of reference of GOC Working Groups

2790. Members noted the current list of GOC working groups, their terms of reference and membership. It was noted that in October 2005, it was agreed to involve the Companies Committee in any discussions on the review of the Code of Conduct for Corporate Bodies. It was agreed that this point be brought to the attention of Standards Committee, and in particular, the chair of this working group.

Date of Next Meeting

2791. The date of the next meeting of the Committee will be **Thursday 24 April 2008 at 10:30am.**