

**GENERAL OPTICAL COUNCIL**

**Minutes of the 138th Meeting of the Companies Committee  
held on 24 April 2008**

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

**Advisers:** Mr P Carroll, Mr A Tinger, Mr G Tomison.

**In attendance:** Mr P C Coe, Registrar  
Mr P J Ireland, Director of Corporate Resources  
Mr J Levett, Director of Standards  
Mrs J D Taylor, Deputy Registrar  
Mr G Tinsley, Assistant Director of Standards.

**Apologies for absence**

2792. Apologies for absence were received from Mr J Gordon and Mr D J D Perkins.

2793. It was noted that Mr B Smith had submitted his resignation from the Committee on the grounds of ill health. The Chairman recorded his thanks to Mr Smith for his contribution to the work of this committee.

**Chairman's Opening Remarks**

2794. The Chairman invited all those present to introduce themselves at the meeting.

2795. The Chairman stated that this was an extremely important meeting and the conclusions reached would inform Council as to the future role of Companies Committee under its new governance arrangements due to come into effect in 2009.

**Declaration of Interests**

2796. 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. Mrs R Varley advised the Committee that she continued in the capacity of acting Chair of CHRE.

**Confidentiality**

2797. 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 137th Meeting**

2798. The minutes of the 137th Meeting of the Committee were agreed as a true and accurate record of the meeting and duly signed by the Chairman.

**Matters Arising**

2799. Minute 2763: No press release had yet been issued by Council following guidance issued by the College and ABDO relating to the sale and supply of optical appliances. It was noted that Council intended to do this in its next published Bulletin.

## **White Paper - Trust Assurance and Safety**

The Committee considered the progress to date of Council following the recommendations of the governments White Paper - "Trust assurance and Safety".

2800. It had been agreed to appoint a new Council which would consist of twelve members of which six would be registrant members and six would be non-registrant members. The new Council would be more Board-like and have a strategic role in the governing of the Council.

2801. The new Council would be selected by an appointments process using the Appointments Commission who would appoint members against a defined person specification. A copy of the Person Specification was tabled at the meeting. No existing Council member would have any advantage in being selected over a non-Council member.

2802. A strictly confidential copy of the Niall Dickson Report on the implementation of the White Paper *Trust Assurance and Safety* to enhance confidence in the healthcare professional regulators was before the committee. The Chairman noted that highlighted in the report was a recommendation that the councils and committees of modernised regulators should be "reflective" of the sectors they regulate. As 80% of eyecare is now delivered through the corporate sector, we would expect corporate input and corporate perspectives to be widely acknowledged and reflected within the work of the new GOC.

2803. Council had to decide how its Committees would be constituted in future and whether this would be by statute or not. The Chairman envisaged a situation where input from the corporate sector of optics would feed into all aspects of the work of Council. Council had previously agreed that existing Council members who were not members of the new Council would have a role in providing continuity to the new Council and could sit on committees for a transition period only.

2804. It was noted that the legislative process for introduction of the changes resulting from the White Paper was that a new Health and Social Care Bill was expected to receive Royal Assent in June 2008. The Bill would impact on the GOC in two areas; the implementation of the change to the civil standard of proof in fitness to practise cases, and the introduction of the separate adjudication body for consideration of fitness to practise cases, the Office of the Health Professions Adjudicator (OHPA).

2805. The first Section 60 Order within the Act would deal with the constitution of health regulatory bodies Council's and the constitution of committees.

2806. A number of National Working Groups (NWG) had been established to provide input from stakeholders to inform the legislative process. These included:

- Tackling Concerns NWG which was considering the transfer from regulators own FTP processes to the new independent adjudicator, OHPA, and
- Revalidation NWG which after a slow start was developing high level principles for revalidation for professions to develop their own revalidation systems, and
- Tackling Concerns Locally NWG was considering the reporting of complaints against healthcare professionals at local level e.g. PCT's and the extent of the regulators involvement in these concerns.

## **Proposed Future Constitution of Companies Committee**

2807. The Committee noted that from discussions already held by other existing statutory committees of Council that Investigating, Education, Standards and Registration had considered their own future constitutions and had recommended that each remain as a statutory committee.

2808. The Committee considered at length the relative merits of retaining each of the above statutory committees and concern was expressed that this might restrict the ability of a new Council to adapt and respond to changes in the future.

2809. The Committee then went on to consider a number of options as to its own future constitution which it discussed at great length. In considering its future existence, status and constitution a key consideration was how the new Council could best receive advice and assistance on matters relating to business registrants, the context within which the vast majority of primary eyecare is delivered and within which the majority of individual registrants operate. The Committee placed much emphasis on the need to reflect the role of different modes of employment and a changing environment in optics. To be most effective in informing a new Council it was concluded that the Companies Committee needed to maintain flexibility in its constitution.

### **RESOLVED:**

**that the Companies Committee be constituted as a standing committee.**

2810. The Committee wished to record its disappointment at the decisions made by the other committees to remain as statutory committees, with the consequent loss of flexibility.

2811. The Committee considered the size and composition of a future Companies Committee and stated its desire to have a committee which was more reflective of the diversity of the professions. It noted that the timetable on this did not require an immediate decision.

## **Sale and Supply of Optical Appliances**

2812. The Committee noted progress of the Working Group considering changes to the Sale of Optical Appliances Order 1984. It was noted that internet suppliers of optical appliances do not claim to be operating under the 1984 Order but under the Opticians Act 1989 and that proposed changes to the 1984 Order would not enable action to be taken against them.

2813. A member of the Committee expressed concern about internet supply of low vision units which were a protected function up to 5 dioptries. An actual purchase of spectacles had been made from the site with a magnification considerably greater. Details of this purchase were provided to the Registrar and would be investigated by the Council's legal team.

## **Code Review Working Group**

2814. Members noted the progress of the Code Review Working Group held on 2 April 2008 and it was agreed to co-opt two Companies Committee representatives onto this group. It was agreed this would be Mr M W Bateman, the deputy Chairman of Companies Committee plus another representative from a companies background. The date of the next meeting was 27 May 2008.

### **CHRE Proposals for Investigation and Referrals to Regulatory Bodies**

2815. Members noted the call for responses by the CHRE to its White Paper project on this subject. The GOC had issued a response and a copy of the response from the optical bodies was tabled. The response from the GOC would be reissued as it contained an error in section 1(i) and had no author or date included.

### **Current GOC Working Groups**

2816. Members noted the present GOC working groups. A correction was made to the Contact Lens Working Group to note that it also included Mr P Carroll.

### **Date of Next Meeting**

2817. The date of the next meeting of the Committee will be held on **Tuesday 14 October 2008 at 2:00 p.m.**