

GENERAL OPTICAL COUNCIL

**Minutes of the 36th Meeting of the Standards Committee
held on Thursday 29th January 2009**

Present: Mr N Rumney (in the Chair)
Mr I Hamer, Mr N Andrew, Miss R E Bailey,
Ms G J Morgan, Mr D W Pyle, Mr J Russell,
Advisers: Dr R Carswell, Mr F Munro,
In attendance: Mrs D Taylor, Acting Registrar
Mr J Levett, Director of Standards
Mr G Tinsley, Assistant Director of Standards
Mr P Grey, Director of Legal and FTP (for item 5 only)
Ms K Fielding, Director of Communications (for item 9 only)

Apologies for absence

1197. Apologies were received from Mr D Cartwright, Ms S Wild, Mr R Curran, Mr G Tomison.

Declarations of Interests/Confidentiality

1198. The Chairman reminded Members and Advisers of the provisions of paragraph 6(a) of the Council's Code for Members with regard to declarations of interest, and Standing Orders 5.23 to 5.26 with regard to the confidential nature of the Committee's proceedings. Mr Hamer announced that he had been appointed to the CHRE board. He clarified that, because of his continuing membership of the GOC Council until 31st March 2009, he would have no involvement in the forthcoming GOC performance review.

Minutes

1199. The minutes of the 35th meeting held on 11th September 2008 **(SD(08)3M)** were approved and signed by the Chairman, subject to altering minute 1182 to read – The Therapeutics Working Group had completed its work and no more meetings were envisaged.

Matters Arising

1200. The Chairman congratulated Ian Hamer on his appointment to the CHRE. Congratulations were also expressed to Mr Pyle on his appointment to the NMC and to Mr Carswell on receiving his Doctorate. As a result of Mr Hamer's appointment the issue of appointing a deputy Chair for the committee was raised. It was confirmed that the Council would appoint committee members, a Chair and deputy Chair at its meeting in April.

1201. Mr Carswell responded to minute 1170 on progress regarding the CLEER initiative and explained that progress is moving slowly. He reported that the number of optometrists and ophthalmologists reporting incidents was still low and that therefore the June 2009 deadline had been extended until the end of 2009 in the hope that more will sign up. He pointed out that the details on how to join the scheme were available via the CLEER website which is detailed in the second progress report attached to the action sheet.

1202. The Director of Standards reported on progress on the remaining points in the action sheet.

Regional Standards

1203. The Director of Legal and FTP explained that the Investigation Committee had considered a case in 2008 where it had to decide whether or not to refer a registrant to the FTP Committee upon the registrant's failure to comply with contractual obligations under the Scottish General Ophthalmic Services Contract. Although this case did not proceed to a hearing, the Investigation Committee had sought the views of the Standards Committee as to its approach when dealing with allegations related to contractual obligations under local or regional schemes. Two possible approaches for the GOC to take were presented to the committee. The first approach was for the GOC to apply the same standards to all of its registrants, ignoring local requirements, with any breaches of such requirements being dealt with by commissioning organisations etc only. The second approach was to regard breaches of local requirements, where these were serious, as possible evidence of misconduct that should be brought to the attention of the FTP Committee. It was explained that the final decision as to whether such a breach would amount to an impairment of a registrant's fitness to practise would be a matter for the FTP Committee, not the Investigation Committee. The Director of Legal and FTP and the Director of Standards recommended that the committee favour the second approach.

1204. After some discussion, the committee agreed that the Investigation Committee would need to consider each case on its own merits, and that it could not discount breaches of local requirements as being of no relevance when considering whether there was prima facie evidence of impairment.

Revalidation

1205. The Director of Standards introduced the paper on revalidation and explained that the GOC's response to the Department of Health needed to be submitted by Friday 30th January. He explained that there was likely to be ministerial interest in the responses from the regulators. Because of this, a covering letter would be attached to the Revalidation Workstream's report highlighting the ways in which the proposals would give greater assurance to the public that registrants were up-to-date and fit to practise.

1206. The Committee confirmed that the paper was ready to be sent to the Department of Health.

Competencies

1207. The Assistant Director of Standards reported on progress with the consultation exercise. It was reported that a number of detailed responses had been received, and that therefore it had been decided to delay firming up proposals on the changes to the competencies to allow for the responses to receive due consideration. Proposals were likely to be brought to the next meeting of Standards Committee.

Work Plan 2009 and Legacy Document for the new Council

1208. The Director of Standards introduced the work plan and legacy document. He reminded the Committee that it had agreed to prioritise its proposed plans at the last Committee meeting. As a result of budgetary constraints, a number of those areas given a lower priority had not been included in the final 2009 work plan. However, the Director of Standards agreed to keep a watching brief on any developments with respect to such issues just in case any urgent action was needed.

1209. It was pointed out that the items which had not been included in the final 2009 work plan were raised in the legacy document, and hence the new Council would be aware that these issues remained pertinent. Members were asked whether they thought the legacy document had identified all the relevant issues. It was felt that the new Council would need to review how independent prescribing for optometrists was

bedding in, and that the regulation of therapeutic prescribing needed to be included in legacy document.

Action – The Director of Standards to add a section on therapeutics to the legacy document.

Vetting and Barring

1210. The Director of Communications provided an update on the current position and explained that the scheme comes into effect on 12th October 2009. A phasing strategy has been agreed by England, Wales and Northern Ireland.

1211. It was clarified that the scheme only applies to employees and would not cover the self employed or locums. The GOC had taken the view that it would make membership of the scheme a condition of registration. However, given the phasing in of the scheme, this would not be practical until the scheme was fully implemented in 2014. This issue had been highlighted in the legacy document for the Registration Committee.

1212. It was reported that there was currently a low level of awareness of the scheme in the university sector. It was asked whether the scheme would cover optical assistants. The Director of Standards confirmed that the legislation would apply to optical assistants insofar as they carried out 'controlled activity', which would not require them to become members of the scheme, but that if they were barred from working with children and/or vulnerable adults employers would need to put appropriate safeguards in place. 'Regulated activity', as carried out by GOC registrants, does require membership of the scheme.

1213. It was asked if there was a fee involved. It was explained that the cost would be £64 to register with the vetting and barring scheme. The Chair suggested that information on the scheme should be put into the Bulletin magazine and a press release sent to the Optometric press.

Action – The Director of Communications to place an article on the scheme in bulletin.

Behavioural Optometry

1214. The Director of Standards introduced the item and explained that the College of Optometrists had commissioned the report reviewing the evidence for behavioural optometry.

1215. The Chair explained that, when the Investigation Committee had considered cases involving behavioural optometrists, the issues related to ethical matters around referral, in particular whether patients should have been referred to a medical practitioner as well as, or instead of, a behavioural optometrist.

1216. It was agreed that the College of Optometrists could elaborate on this issue in their guidance, particularly on making the patient aware of the issues involved and informing them of the choices.

1217. It was noted that the AOP took the view that, whilst not universally practised, behavioural optometry fell within the normal, wider scope of practice of optometry in general and, consequently, was covered by the AOP's indemnity insurance policy.

Action – The Director of Standards to notify the College of Optometrists' Membership and Standards Committee and ask it to consider reviewing its guidance on this matter.

ECOO

1218. The Committee noted the report on the ECOO General Assembly in Istanbul.

Action – Mr Carswell to produce a report for the Committee after the next ECOO meeting

GOC Consultation Framework

1219. The Director of Communications explained that the framework was part of the stakeholder strategy that was agreed by the Council. It intended that the framework would go to the March Council meeting for approval.

1220. It was explained that the framework was for all stages of the consultation process and the GOC was aiming to consult at an earlier stage more frequently.

1221. It was suggested that paragraph 3 in section 5 of the document may give the impression that the GOC would look to find compromise positions where there was a conflict of viewpoint in consultation responses, rather than make a clear decision of its own as what was correct position with respect to the public interest. It was felt that the document needed to be amended to make it clear that the GOC would always view the public interest as its primary objective in decision making.

1222. It was also suggested that the document could make clear that the GOC would use face to face and telephone interviews for consultations where organisations and Charities lacked the time and resources to respond to written consultations. The Chair commented that equality of access also needed to be considered and that email should not take priority over other methods.

Action – The Director of Communications to review the last two paragraphs in section 5 and consider the issue of Charities in section 4.

AOB

1223. The Acting Registrar reported that she had been informed that Boots and Dolland & Aitchison were to merge. The merged company would adopt the Boots name. The headquarters would be in Nottingham.

Date and time of next meeting

1224. It was explained that, given the proximity of the first meeting of the new Council to the next scheduled meeting of Standards Committee, it had been decided to postpone the next meeting. This would allow time for the new Council to establish the revised membership of the committee and give some direction as to how it envisaged the committees would support the new Council.