

Publication of Visit Reports

For Decision

Background / Introduction

- 1 At its meeting on 1 October 2009, Education Committee considered an Options Paper in relation to the publication of Education Visit Reports. The paper included 4 options which were discussed by the Education Committee:
 - i) Visits held with open and closed sessions. Two documents produced, a strictly confidential record of the visit & a visit report, summarising findings and outcome including conditions and recommendations.
 - ii) Release of full version of Visit Report with no exemptions
 - iii) Maintain status quo. No publication of the Visit Report or any Conditions & Recommendations. Publication limited to the name of each approved institution, its programmes and date of the last and next visits.
 - iv) Annual publication of an overall summary report based on annual monitoring submissions not visits.

The Education Committee considered each of these options in conjunction with the FOI advice received, information on the policies adopted by other regulators and the requirement arising from the CHRE Performance Review process.

Council is asked to note the deliberations of Education Committee and consider the recommendation of the Director of Education, supported by the conclusions of Education Committee.

Discussion

- 2 Under the statutory guidelines set out in the Opticians Act 1989 it states that "*The Council must from time to time publish, in such form (including electronic form) as they consider appropriate, a list of establishments and qualifications approved by them, indicating the purposes for which the approval was granted.*"

At present the GOC Visit Reports are confidential and are not published on the GOC website in any form. Education Committee receives a confidential copy of the full visit report and Council receives a summary of the visit outcome and any Conditions or Recommendations in its closed session. There is also no formal structure for the visiting panel to discuss with the Training Establishment certain items in a 'closed session' format of the meeting.

As part of the CHRE 2009 Performance Review of the GOC, the Education Department was challenged as to why it does not make its accreditation process transparent by publishing its Visit Reports. It was suggested by CHRE that all of the other healthcare regulators are making the outcomes of their visits public and that in the event of a request under the Freedom of Information Act the GOC would be required to release the Visit report.

As a consequence the Director of Education requested that research be undertaken to establish the following:

- i) Our requirement to publish under the Freedom of Information Act 2000
- ii) The policy adopted by other Regulators
- iii) The extent of information published by other Regulators
- iv) The Policy adopted by other education quality assurance agencies e.g. QCA, OFSTED etc
- v) The views of the Training Institutions and Scheme Providers.

Benefits

The benefits of publishing the Educational Visit Reports onto the GOC Website would make the GOC and the Education Establishments more open and transparent in their core business activities, therefore gaining more public confidence and complying with their statutory obligation under the Freedom of Information Act 2000. In addition, such a move would satisfy the CHRE requirement to publish visit outcomes and maintain an open and transparent accreditation and quality assurance process.

Option 1 - Visits held with open and closed sessions. Two documents produced, a strictly confidential record of the visit & a visit report, summarising findings and outcome including conditions and recommendations.

This option looks at the possibility of having two versions of the visit report. One would be a 'record' which would contain the full details of the visit, the other being a 'summary report' which would be an abridged version of the full report detailing only the conclusions and outcome of the visit, with any Conditions and Recommendations and the supporting evidence.

The 'record' would clearly contain information that may not be appropriate to be released onto the GOC website, therefore releasing the 'report' would be more appropriate along with the training establishments response to the report, if they wish us to do so.

The record is for internal consumption only and will include confidential information that is exempt from publication under the Freedom of Information and Data Protection Acts, such as that which is commercially sensitive or relates to an individual.

The report will contain a summary of the findings of the visit including evidence for the conclusions reached, the outcome and any conditions and recommendations. It is proposed that the formal response from the training institution, with their agreement, also be published alongside the report.

In order to implement this system it would be necessary to operate open and closed sessions during the visit. Notes of both sessions will be taken by the GOC Officer but the closed session content will only be included in the 'record' and not within the published summary report version. . Items for discussion within the closed session would be agreed when the visit agenda is set. The institute will receive guidance notes on the type of information that is likely to fall within a closed session and the institution will be able to request items that would be more appropriate for discussion in the closed session. The decision as to whether these items are suitable for closed session will be taken by the Visitor Panel based on advice from the GOC Officer, taking into account available exemptions under FOI and Data Protection.

Below are examples of possible topics that could be discussed in the closed session of the visits:

- Detailed financial information beyond that which is already published by the training establishment in their annual reports;
- Personal information related to a particular individual for example, appraisals, personal development, CV's, notification of staff leaving or subject to mentoring;
- Future plans of the training establishment for example, new courses, and intentions to increase student numbers which may have a competitive advantage for other training establishments.
- Third Party Information – Information which by its release is likely to damage a company's reputation or the confidence of customers, suppliers or investors. This type of information is likely to be commercially sensitive and it may inadvertently reveal information about profit margins and possibly working practices.
- Information related to new building plans which may be commercially sensitive, for example planning applications.

Publishing the reports onto the website

The full report (record) would be marked strictly confidential and not be released to any other party outside of the specific training institution / provider and GOC representatives. Closed session

information would be detailed in red italic to make sure that this section is redacted for the summary report to be released.

The summary report (report) would have the information discussed in the closed session of the visits redacted stating in red italic the relevant exemption that would be applied to this under the Freedom of Information Act 2000. An example of this could be:

Financial Information

This item was discussed in the closed session of the visit and is exempt information under s43 – Commercial Interests of the Freedom of Information Act 2000.

Advantages of this option

The GOC would be complying with its statutory obligation under the Freedom of Information Act 2000 and the GOC would be more open and transparent and would provide the public with confidence on how we carry out our business.

The GOC will be able to demonstrate it has adopted the good practice of other Regulators as commended by CHRE in the 2009 performance review. Training establishments may be more forthcoming in providing information and would have more confidence in the visitor panel knowing that any confidential information that is discussed would be in a closed session and would not be release into the public domain.

Other options which were considered by the Education Committee

Option 2 – Release full version of the visit report

This option looked at the possibility of releasing the full version of the visit report onto the GOC website. The full visit would be treated as an open session, reports would be considered by Council in its open session and would be published on the GOC website.

This option has been considered by the committee members, however, it was felt that the disadvantages of this option outweighed the advantages of releasing the full report. The reasons for this is that training establishments may not be forthcoming in providing information to the visitor panel and knowing that any confidential information that is discussed would be in an open session and released into the public domain.

Training establishments are more likely to challenge the content of the Visit Report and approval period granted. This may result in an appeal to the High Court and would cause a considerable workload to the GOC Education and legal departments.

A full Freedom of Information and Data Protection assessment would have to be undertaken for each report prior to publication. This would be both time consuming and resource intensive.

Option 3 – No release of visit report

This option was discussed and would be for the GOC to continue the status quo to not release the visit report onto the website. The Education Committee receives a strictly confidential full copy of the report and Council only receives a summary of the visit outcome and any conditions/recommendations. Only the fact that approval is granted and the dates of the last and next visit would be published on to the GOC website.

The committee rejected this option on the basis the GOC would fail to meet the CHRE requirement from the 2009 performance review and would not be in line with the policy of most of the other health regulators.

The Director of Education was also concerned that this could give the impression to the public and to the CHRE that we are not being open and transparent. If the GOC receive a Freedom of Information Request asking for copies of the visit reports, the GOC is legally obliged to comply with this request and the majority of the report would have to be released.

Option 4 – Publication of a summary report based on the Annual Monitoring submissions

The GOC would publish a summary report on an annual basis for both optometry and dispensing programmes containing an outline of any changes, developments, trends and issues arising from the annual monitoring submissions. The report would be published on the GOC website and discussed in open session of Council. A detailed confidential report would also be produced for the Education Committee. This option could be applied alongside any of the other options.

The view of the Education Committee members was that due to the Annual Monitoring scheme being a new process it was too premature to adopt this option at present and we would need to see how this develops.

Conclusion:

Having considered each of the options, for the reasons stated above the committee supported the recommendation of the Director of Education that option 1 offered the most reasonable solution.

Following discussions at Education Committee, the Director of Education has consulted with all of the training providers currently approved by the GOC who have confirmed they are all in agreement with the proposed policy as outlined in option 1.

Recommendation & Decision Point:

Council is invited to consider the recommendation of the Director of Education, supported by Education Committee, that the option 1 be adopted by the GOC as its policy in respect of the publication of visit outcomes.

If approved, the Director of Education would seek to implement this policy with immediate effect for all future visits. Publication will occur on the GOC website.

Resource Implications:

3. If adopted this change in policy will be resourced from within the existing Education Department resource and will be included in the work plan for visits. No additional resource is anticipated to deliver the recommended option.

Equality & Diversity Implications:

4. An impact assessment has been carried out and no equality and diversity implications were identified.

Human Rights Act:

5. An impact assessment has been carried out and no implications were identified under the Human Rights Act. Further assessments were also conducted in respect of our requirements under the Data Protection and Freedom of Information Acts, these are outlined in Annex 2.

Stakeholder Engagement:

6. The following stakeholders were consulted when developing this proposed policy:

- ABDO College
- ABDO Examinations
- Anglia Ruskin University
- Aston University
- Bradford College
- Cardiff University
- City & Islington College
- City University
- College of Optometrists
- Glasgow Caledonian University
- University of Bradford
- University of Manchester
- University of Ulster