FOI	Original Request	Response							
Reference No.									
	2016 – 17 Quarter 2								
Reference No.		As you have acknowledged in your correspondence (29 June 2016) we have communicated with you on numerous occasions regarding this issue. Aside from FOI 2016-03 and FOI 2016-10 you have also received a number of responses from our Chief Executive and Registrar that have addressed this issue comprehensively.  The attachment, which you included, labelled "Document Doc.1" is a screenshot of our "Warnings' section which is publically available information as defined by the FOIA.  Under Section 14(1) of the FOIA, public authorities do not have to comply with vexatious requests. This is an absolute exemption that is not subject to a public interest test. The justification for invoking this exemption is "unreasonable persistence" as it seems you are attempting to reopen an issue that has been comprehensively addressed.  Would the GOC please explain, not considering the two currently unregistered parties, why three names, when entered in "Search the Registers - Individual", return the results "No records Found"?  The 'Warnings' section of the website <a href="https://www.optical.org/en/Investigating_complaints/Hearings/past_hearings/warnings.cfm">https://www.optical.org/en/Investigating_complaints/Hearings/past_hearings/warnings.cfm</a> is independent from the GOC register. Individuals that are subject to warnings may not elect to retain their registration. Some may have not met CET retention requirements. It is our policy to publish all warnings.  Please give reasons why different results are obtained for the same search format?  If the GOC cannot forward an understanding for the different results please give the reasons?  Are 490 Boots premises practising unregistered and would this make a considerable difference to GOC finances and skew the level of fees charged?  How much loss of revenue did the GOC suffer as a result of the lack of Specsavers JVCs registration?  These questions have formed part of the majority of your previous requests, to which you have received responses both under FOIA and our own complaints pro							
	JVCs registration? Is there a record of the process, procedure and result of the GOC investigation of the complaint that a contravention of the Opticians Act 1989	complaints procedures.  Firstly, the FOIA obliges public authorities to provide copies of information held. There is no further obligation on organisations to produce information to respond to an FOI request.  Furthermore I refer you to our letter of 18 December 2015 which stated "The Opticians Act sets out the requirements for an optical business to be							
		registered or not registered with the GOC" and "We are not in a position to speculate over the levels of fees that might have been set if the GOC had had a larger number of registrants".  Under Section 14(1) of the FOIA, public authorities do not have to comply with vexatious requests. This is an absolute exemption that is not subject to a public interest test. The justification for invoking this exemption is "unreasonable persistence" as you are attempting to reopen, by repeatedly asking the same question, an issue that has been comprehensively addressed.  Were the files closed by order of the full General Optical Council or by a department of the GOC?  The decision to close the files was taken by the Executive. The registrar has the power to delegate authority under the Opticians Act.							

General Optic	al Council Freedom of Information R	Requests 1 July – 30 September 2016
		I note in your letter of 29 June 2016 you draw parallels between a registrant with an open warning and JVCs. The decision you refer to was taken by an independent committee and I believe that it would be highly inappropriate of me to comment.
		At the time of the complaint you refer to in your letter 29 June 2016 the registrant was registered with us as such this complaint was managed under 2a – 3 of the Opticians Act. This process is very different to the one used for complaints of unregistered practice. 4a. Section 13D specifies how the Council must deal with allegations against registrants. There are no statutory provisions for complaints about unregistered practice. These complaints are managed in compliance with the GOC protocol, which can be found on our website.
		I have attached a copy of the GOC protocol that was relevant at the time of the warning you refer to.
		Does the GOC hold a detailed record of the investigation? Is there a record of the process, procedure and result of the GOC investigation of the complaint that a contravention of the Opticians Act 1989 was taking place?
		I can confirm that the GOC does hold a record of the investigation.
		Does the provision of backroom services by the third party alter registration issues?
		Not in the view of the GOC.
FOI 2016 – 20	Pease provide the number of Optometrists who in Essex.	I can confirm that the General Optical Council hold the information you have requested.
		There are currently 470 registered optometrists in Essex postcodes.
	I accept that number are not perfect as some optoms work both sides of county borders.	To provide this figure we have performed a search using all Essex postcodes. However, I must make you aware that some of these postcodes are cross county codes.
	Happy to have just all, that have their Main address with an Essex post code.	
FOI 2016 – 21	Please could you kindly disclose the salary	I can confirm that the General Optical Council hold the information you have requested.
	range and job description for your lay case examiners.	Please find attached job description for lay case examiners.
		Job description
		Job title: Lay case examiner
		Section: Investigation
		Directorate: Fitness to Practise
		Reporting to: Head of Fitness to Practise
		Eligibility
		To be considered for the role of lay case examiner, the applicant
		(i) must not and never have been registered in a register, or a director of a body corporate registered in a register, maintained by the General Optical Council (GOC) and,
		(ii) must not hold any qualifications which would entitle the post holder to apply for registration in one of the registers maintained by the GOC.

ii) GOC Council members are not eligible to apply for this role until at least two years have elapsed following completion of their term of office.

# Purpose of the job

The key purpose of a case examiner will be to deal with fitness to practise cases and specifically decide whether an allegation that a registrant's fitness to practise is impaired ought to be considered by the Fitness to Practise Committee. Case examiners may also be required to review complaints at the early stages of the investigation process to determine whether it is a case which may require GOC action. Therefore, case examiners act as key decision makers on cases at the investigation stage of the fitness to practise process.

### Main responsibilities of the job

- 1. To review and analyse cases within the investigation stage to assess whether the case is one which ought to be referred for a formal hearing;
- 2. To ensure complaints are dealt with efficiently, objectively and fairly;
- 3. To make decisions on cases that are appropriate, balanced and compliant with the rules, guidance and FTP protocols in place;
- 4. To work collaboratively with GOC staff to identify the evidence required to make a substantive decision;
- 5. To work collaboratively with the registrant case examiner to prepare the formal record of decision to complainants; optical professionals or other parties;
- 6. To make key decisions in the management of cases where concerns relate to a registrant's performance and/or health;
- 7. To obtain and act upon specialist clinical advice from the registrant case examiner;
- 8. To undertake any other reasonable duties as may be assigned from time to time.

#### Lay case examiner - Key skills

#### Key skill 1 – technical knowledge and skills

- a. The post holder must have the ability to apply their knowledge of our work in dealing with optometrists and dispensing opticians whose fitness to practise has been called into question. The ability to work within established policies and procedures is very important.
- b. The ability to analyse complex and voluminous information, paying attention to detail whilst keeping sight of the overall objective of the work of the case examiner is important.
- c. The ability to make sound, impartial and reasoned decisions is essential, together with the ability to remain independent and objective at all times.
- d. All case examiner decisions are made in accordance with a legal framework so the ability to understand legal issues is essential.
- e. A good level of proficiency in working with IT systems such as MS Word, MS Excel and MS Outlook, together with the ability to become proficient in the use of the GOC's bespoke databases.
- f. An understanding of the Data Protection Act and the importance of maintaining confidentiality at all times.

#### Key skill 2 - interpersonal skills

- g. The ability to establish credibility and maintain good working relationships with colleagues and contacts at all levels.
- h. The ability to work constructively as part of a team.

#### Key skill 3 – organisational skills

- i. The post holder must work in an organised and efficient manner, handling cases with high levels of accuracy and attention to detail and within required timescales.
- The ability to prioritise workloads effectively and to deliver against personal objectives and in-line with departmental Service Level Agreements is essential.
- k. The post holder must have a flexible approach to their work and be adaptable to changes in procedures and process.

### Key skill 4 – communication skills

- I. The post holder will record the decisions they have taken on fitness to practise cases, together with the reasons for those decisions, in the format required. The ability to communicate concisely and factually in writing together with high levels of accuracy and presentation are required.
- m. The post holder may be required to liaise with external contacts in addition to GOC colleagues. The case examiner must therefore have excellent verbal communication skills.

### Key skill 5 – innovation and problem solving skills

n. The ability and willingness to participate fully and constructively in team discussions and training as well as assisting colleagues by sharing and applying professional/technical knowledge as required.

#### Lay case examiner - core competencies

Successful candidates will have significant recent experience and be able to demonstrate the following in their application:

#### Essential:

- 1. A relevant legal skill set including problem solving, analytical ability, drafting skills and evidential analysis;
- 2. An understanding of the United Kingdom's healthcare regulatory system, including its public protection remit;
- 3. Experience of handling and managing complaints;
- 4. The ability to analyse and interpret complex information in an impartial manner, with excellent attention to detail;
- 5. A demonstrable commitment to equality and diversity and the ability to interact with others honestly, fairly and with respect;
- 6. The ability to think logically, weighing evidence and making thoughtful unbiased, evidence-based decisions;
- 7. The ability to support and work constructively with others;
- 8. Experience of handling confidential information;
- 9. The ability to articulate verbally and in writing clear, well-founded reasons for any decision made; and
- 10. Computer literacy including experience of working with programs such as Microsoft Word and Outlook.

#### **Desirable:**

A relevant legal qualification

Experience of handling fitness to practise cases

General Optical Council Freedom of Information Requests 1 July – 30 September 2016 December 2013 The salary is £152.40 per decision. **FOI 2016 – 22** 1. How many optometrists are suspended Regarding your first question. I would like to clarify that we do not undertake random visits. NHS England undertake audits in respect of our GOC from the register yearly in the UK for poor registrants on the NHS England 'Performers List', and this sometimes leads to audit visits and FTP proceedings. record keeping after a random visit. I can confirm that we hold the requested information. However, this information is not recorded in a structured way to enable us to provide a 2. How many are suspended from response to this request without incurring disproportionate costs. practicing in the UK because their records show in a case such as missed referral for Due to the manner in which we store our data to provide the information you have requested we would need to manually review all FTPC and CE/IE decisions/case files to identify and collate the information you have requested. glaucoma case as no IOPs recorded, or malpractice. In theses' cases they may or may not be suspended, but allowed to Disproportionate cost means that we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The practice under supervision of their record appropriate limit has been specified in the regulations and for public bodies it is set at £450. keeping. This represents the estimated cost of one person spending 18 working hours in determining whether the General Optical Council holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act we are not obliged to comply with your request and we will not be processing your request further. We do however publish details of previous Fitness to Practise hearings (for the previous 12 months). These are publically available on the General Optical Council website https://www.optical.org/en/Investigating\_complaints/Hearings/past\_hearings/index.cfm This may be an ideal starting point for you to ascertain the number of relevant cases over a twelve month period. FOI 2016 - 23 Please give reasons why different results Please give reasons why different results are obtained for the same search format? are obtained for the same search format? If If the GOC cannot forward an understanding for the different results please give the reasons? the GOC cannot forward an understanding for the different results please give the We have responded to this question on numerous occasions. Since March 2016 you have filed the following Freedom of Information requests. reasons? Would the GOC please state whether the Chief Executive and Registrar, 2016-03 Filed February 11 2016. We responded on March 9 2016 having the power to delegate authority under the Opticians Act, authorised the 2016-10 Filed May 10 2016. We responded on June 6 2016 Executive to close the files? Would the 2016-19 Filed July 1 2016. We responded on July 28 2016 GOC please forward the absolute details of 2016-23 Filed August 8 2016 the authorisation to close the files? Is the 2016-26 Filed August 12 2016 stated held record of the GOC investigation into the issues of unregistered Specsavers JVCs fully detailed, absolute and available On 11 February 2016 you filed a request logged as 2016-03. I refer to our response sent to you via recorded delivery on March 9 2016. You had for purchase? If the said record is not fully asked "Would the GOC please give the reasons why the search criteria Register/Bodies Corporate/ Company Boots and Register/Bodies detailed, absolute and available for Corporate/Company Specsavers give different results?" Although the information was publically available (FOIA Section 21 exemption) we, as purchase please give the reasons? part of our response, provided a number of links which provided information to answer your question. On 10 May 2016 you filed a further request logged as 2016-10. We responded to your request on 6 June 2016. As part of this request you again asked "Would the GOC please give reasons why the search criteria 'Registered/Bodies Corporate/Boots' and 'Registered/Corporate Bodies/Specsavers' give different results?" We explained to you that under section 14(2) of the Freedom of Information Act organisations were not obliged to respond to requests that were identical or substantially similar to previous requests from the same individual unless a significant

available had not changed between 9 March 2016 and 10 May 2016.

period of time had elapsed. The period between 9 March 2016 and 10 May 2016 equates to 43 working days. I can confirm that the information

On 1 July 2016 you filed a further request, logged as 2016-19. We responded to this request on 28 July 2016. As part of this request you again asked "Please give reasons why different results are obtained for the same search format? If the GOC cannot forward an understanding for the different results please give the reasons?" The period between 6 June 2016 and 1 July 2016 equates to 19 working days.

As explained to you in our response (28 July 2016) under section 14(1) of the Freedom of Information Act we do not have to comply with vexatious requests. We have addressed your question on three separate occasions in compliance with FOIA legislation. We will not be making any further comment on this issue and all subsequent requests, containing this question, received from you will be logged but will not be responded to.

Following our response sent to you via recorded delivery on 28 July 2016 you have filed two further FOIA requests 2016-23 (August 8 2016) and 2016-24 (August 12 2016)

Would the GOC please state whether the Chief Executive and Registrar, having the power to delegate authority under the Opticians Act, authorised the Executive to close the files?

Is the stated held record of the GOC investigation into the issues of unregistered Specsavers JVCs fully detailed, absolute and available for purchase?

If the said record is not fully detailed, absolute and available for purchase please give the reasons?

The GOC investigation concerning Specsavers JVCs is not available to purchase. This investigation was not conducted in public forum and is not publically accessible information.

GOC investigations against non-registrants are conducted under Section 4 of the Opticians Act. The GOC's investigation against unregistered Specsavers JVCs concerned the companies' use of the title "optician": Sections 28(5) (c) and 28(6) of the Opticians Act restricts the title "optician" to registered bodies corporate.

Details concerning this investigation would not be released under FOI by virtue of Section 30 (1) b & c and 30 (2) a (iii) and (iv) exemptions.

Section 30 (1) b & c states that "Information held by a public authority is exempt from release if it has at any time been held by the authority for the purpose of –

- (b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or
- (c) any criminal proceedings which the authority has power to conduct.

Section 30 (2) a (iii) and (iv) states "Information held by a public authority is exempt information if –

- (a) it was obtained or recorded by the authority for the purposes of its functions relating to –
- (iii) investigations (other than investigations falling within subsection (1)(a) or (b)) which are conducted by the authority for any of the purposes specified in section 31(2) and either by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under any enactment, or
- (iv) civil proceedings which are brought by or on behalf of the authority and arise out of such investigations.

General Optical Council Freedom o	of Information Req	juests 1 July – 30 Se	ptember 2016
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The General Optical Council considers that disclosure of the information you have requested in these three questions would prejudice exercise of the Council's statutory functions and our ability to conduct investigations such as this.

Although the investigation is now closed Section 30 exemption applies to information that is held at any time, whether or not the investigation is on-going.

Application of the section 30 exemption is subject to the public interest test. There are a number of factors that must be considered and weighed in the balance. The factors we have considered are set out below.

- The public interest lies in enabling the Council to undertake inquiries as part of its investigation powers so that it can make regulatory decisions based on a firm factual basis and to gather such evidence and facts on a confidential basis.
- It is in the public interest to maintain confidentiality, as it encourages the free and frank exchange of information from third parties to the Council without which the Council could not perform its statutory functions.
- The Council aims to be robust and fair in its regulatory decisions. We acknowledge that there is a legitimate public interest in carrying out assessments in an open and transparent way, and in promoting public understanding of the decisions we make as a regulator.
- In carrying out effective inquiries the Council depends on being able to secure the co-operation of those individuals and entities from whom we seek information. Whilst the Council has the power to require information, the co-operation of the regulated community remains essential to our ability to conduct our statutory functions.
- As our investigations rely on gathering evidence from individuals and organisations it is clearly in the public interest that we maintain cooperation and avoid releasing information that could prevent exchange of relevant information in the future which would have the effect of hindering our ability to perform our statutory functions.
- Specsavers had, and continue to have, a reasonable expectation that information provided in the course of this investigation would not be made available to the public. If the information provided during the course of the investigation was made public under the FOIA it would make individuals and entities reluctant to co-operate and may prejudice future interactions. This would, in turn, impact on the type, timeliness and quality of the information provided to the Council during the course of investigations which would prejudice the Councils ability to conduct its statutory functions.

Having carefully weighed the public interest relating to possible disclosure of the information requested under Section 30 (1) (b) (c) and Section 30 (2) a (iii) and (iv) we are satisfied that it is not appropriate at this time to disclose the information which the Council holds. The Council is satisfied that maintaining the exemption outweighs the public interest in disclosure.

### FOI 2016 - 24

Many thanks for this information. As we've look at it more we realise we need more

Are you able to provide the same data for 2010, 2011, 2012, 2013 & 2014?

Age Range	Reg Year (ending)	Optometrist	Dispensing Opticians	Age Range	Reg Year (ending)		Dispensing Opticians
under 25	2010	743	141	under 25	2013	764	145
25-29	2010	1815	476	25-29	2013	1825	540
30-34	2010	1900	647	30-34	2013	2085	743
35-39	2010	1301	646	35-39	2013	1780	702
40-44	2010	1186	595	40-44	2013	1163	659

051	2012	13214	5919	051	Total	14354	
65+	2012	1569	711	65+	2015		877
60-64	2012	907	517	60-64	2015		
50-54 55-59	2012	1116 1013	646	55-59	2015		714
45-49	2012 2012	1243	616 702	45-49 50-54	2015		
40-44	2012	1145	679	40-44	2015	+	667
35-39	2012	1626	661	35-39	2015		
30-34	2012	2082	731	30-34	2015		790
25-29	2012	1787	525	25-29	2015		529
under 25	2012	726	131	under 25	2015		
		12771	5684			13980	
65+	2011	1450	656	65+	2014		
60-64	2011	890	456	60-64	2014		
55-59	2011	1002	617	55-59	2014		663
50-54	2011	1072	689	50-54	2014		
45-49	2011	1224	635	45-49	2014		
40-44	2011	1155	659	40-44	2014		695
35-39	2011	1446	620	35-39	2014		757
30-34	2011	2029	699	30-34	2014		
25-29	2011	1784	505	25-29	2014		
under 25	2011	719	148	under 25	2014	. 738	146
		12409	5482			13649	6113
65+	2010	1367	616	65+	2013		
60-64	2010	884	444	60-64	2013		
55-59	2010	958	603	55-59	2013	+	
50-54	2010	1067	635	50-54	2013		
45-49	2010	1188	679	45-49	2013	1226	624

### **FOI 2016 - 25**

I am an experienced freelance transcriber and I am currently looking to expand my client base.

I am therefore wondering if you could confirm the following:

 Does your organisation conduct hearings in order to investigate complaints received?
 Are these hearings transcribed? And if so, by which organisation/s? I can confirm that the GOC does hold the information you have requested.

We are not required to provide information that is available by other means (section 21 of the Act). Section 21 is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.

## Does your organisation conduct hearings in order to investigate complaints received?

Yes. We do conduct hearings to investigate complaints we receive. Details of our hearings are published on our website which can be accessed <a href="https://www.optical.org/en/Investigating">https://www.optical.org/en/Investigating</a> complaints/Hearings/past hearings/index.cfm

### Are these hearings transcribed? And if so, by which organisation/s?

This information is publically available on website. As such this information is exempt from release under Section 21 – information available by other means – exemption of the FOIA. This information can be found on all of our published hearing notices which can be accessed <a href="https://www.optical.org/en/Investigating\_complaints/Hearings/past\_hearings/index.cfm">https://www.optical.org/en/Investigating\_complaints/Hearings/past\_hearings/index.cfm</a>

General Optical Council Freedom of Information Requests 1 July – 30 September 2016 FOI 2016 - 26 Please forward reasons why the GOC We have been responding to your requests for information as FOIA requests. The time period permitted to respond to Freedom of Information appears to have a different interpretation of requests is defined by the Freedom of Information Act. a period of time from that of the High Court Section 10 of the Freedom of Information Act states: 10.—(1) Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt. A working day is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom. The Information Commissioners' Office (ICO) produce useful information for the public regarding Freedom of Information and the Act. This information can be accessed. https://ico.org.uk/for-the-public/official-information/ Internal Review of all requests for **FOI 2016 - 27** Acceptable Behaviour Policy invoked – No response provided documents during the past 24 months to: FOI 2016 - 28 Approximately what percentage of total I have grouped your requests together and will provide a combined response. practices register with yourselves? And how many practitioners on the GOC register And how many practitioners on the GOC register have an EEA qualification and is there time series data for this? I would like information on the number of current registrants who have obtained their primary optometrist qualification in the EEA/EU (non-UK). Can I also have a time series for have an EEA qualification and is there time series data for this? this data from 2010 - present? At present there are 230 registrants with an EEA qualification on our register. We can confirm that we hold the data from 2010 – present. However, this information is not recorded in a structured way to enable us to provide a response to this request. Due to the manner in which we store our data to provide the information you have requested we would need to review each record individually to identify and collate the information being requested. The information requested could not be identified without incurring disproportionate costs. Disproportionate cost means that we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in the regulations and for public bodies it is set at £450. This represents the estimated cost of one person spending 18 working hours in determining whether the General Optical Council holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act we are not obliged to comply with your request and we will not be processing your request further. The General Optical Council do provide annual figures relating to the register. However, these figures are not broken down to provide the level of detail you have requested. They are located here: https://www.optical.org/en/news\_publications/Publications/annual\_reports\_arc hive.cfm Approximately what percentage of total practices register with yourselves? Information not held. We hold details of the companies that are registered with the General Optical Council. We do not maintain records of companies that are not registered with us. As such it would not be possible to provide you with a percentage of total practices registered. FOI 2016 - 29 I would like information on the number of See Above FOI 2016 – 28 current registrants who have obtained their primary optometrist qualification in the

EEA/EU (non-UK). Can I also have a time series for this data from 2010 - present?

General Option	ai Council i reedoni oi iniormation iv	equests 1 July – 30 September 2016
FOI 2016 - 30	I wonder if you could help please. I am	As at 22 September 2016 there were:
	writing an article for [Name Removed]	
	about acute eye care in Wales, and trying	262 optometrists registered in therapeutics (independent Prescribing Speciality in England.
	to find some figures on optometrists	
	registered in therapeutics in Wales (and vs	153 optometrists registered in therapeutics (independent Prescribing Speciality in Scotland.
	the rest of the UK). I could not find this on	
	your website, do you hold current figures on	6 optometrists registered in therapeutics (independent Prescribing Speciality in Wales.
	this?	
		15 optometrists registered in therapeutics (independent Prescribing Speciality in Northern Ireland.
FOI 2016 – 31	I wanted to know as part of knowledge the	Closed after clarification of request was not received. No response provided.
	following;	
	Numbers;	
	No hospital clinics	
	No opticians	
	No Ophthalmic Medical practitioners	
	NO GPs professing to have an interest?	
	Specialist (Key) centres (eg moorfields)	