

Constitution for South West Wales Regional Optometric Committee

27th April 2012

(As constituted under Section 5 (4) of the National Health Service Reform and Health Care Professions Act 2002 as Local Optical Committees
And Welsh Health Circular WHC (2004) 007)

General

1. In the following scheme unless the context requires otherwise, "the Committee" means the Regional Optometric Committee formed for the purposes connected with the National Health Service Acts.

Title

2. The Committee shall be known as the South West Wales Regional Optometric Committee.

Objects

- 3.1 To advise the Health Boards listed in Appendix B on matters affecting Optometrists undertaking Optometric and Dispensing Services in the region.
- 3.2 To advise the Regional Officers of the Welsh Assembly Government on issues relating to optometry in South West Wales.
- 3.3 To enable Optometrists undertaking Optometric and Dispensing Services in the region to formulate collective views on the administration of the services and, in particular, to make suggestions for their improvement and to transmit them to the Health Boards.
- 3.4 To disseminate information about the Optometric and Dispensing Services among Optometrists in the region and to assist individual Optometrists and corporate contractors to understand and comply with their terms of service.
- 3.5 To give advice to Health Board(s) and other relevant organisations in respect of any complaints involving Optometric and Dispensing Services made against optometrists practising in the region for which the Committee is constituted.

- 3.6 To advise the Health Board(s) on matters affecting Optometrists in relation to the Hospital Eye Services, the scope and efficiency of those services, and in connection with the provision of ophthalmic services from health centres, clinics and the like.
- 3.7 To carry out such other advisory or consultative functions as may be incidental to or assist in the attainment of the above objects, including liaison with relevant bodies within the region.
- 3.8 To advise the Health Board (s) on the development of primary eye care in all its aspects in the region.
- 3.9 To select representatives to sit on Wales National Committees

Membership

- 4.1 (a) The Committee shall consist of elected Optometrists, all Health Board Optometric Members in the region, and whose names are on the Ophthalmic List.
 - (b) The Committee shall have one nominee from the Federation of Ophthalmic and Dispensing Opticians, the Association of Optometrists and the Association of British Dispensing Opticians.
 - (c) The nominee of the Federation of Ophthalmic and Dispensing Opticians must be an optometrist practising in the region and whose name is on the ophthalmic list.
 - (d) The committee shall include two qualified Dispensing Opticians practising within the region and on the GOC list. Dispensing Opticians shall elect them.
 - (e) In addition, the Committee shall, where applicable, include one Optometrist elected by and from Optometrists employed as such by Health Boards whose premises are situated in the territories of the Health Boards.
- 4.2 Provided that the Committee so elected shall have the power to co-opt one or more Optometrists.

Term of Office

5. The term of office of members shall be three years, provided that at the expiration of his term of office a member shall be eligible for re-election.

Vacancies etc. Not to Invalidate Proceedings

6. The proceedings of the committee shall not be invalidated by a vacancy in their membership, or by any defect in the appointment of any member of the Committee.

Proceedings of the Committee

7. The Committee shall hold meetings at least three times a year, at such time and place as shall be generally agreed.

Officers of the Committee

8. The Committee shall elect a Chairman, Treasurer and Professional Secretary from among their number, all of them eligible to hold office for three years, provided that the officers shall be eligible for re-election. (See also Explanatory Note vi.). There should also be provision for electing locality leads from each of the Health Board regions again to hold office on a three year basis.

Quorum

9. One third of the number of the members of the Committee, or if one third is not a whole number, the next whole number above one third shall form a quorum of the Committee. If the full Committee has five or fewer members, the quorum shall be not less than two members eligible to vote.

Resignation or Disqualification of Members

- 10.1 A duly elected Optometrist whose name no longer appears on the Ophthalmic list in the region, has ceased to be employed by a Trust in the region or has ceased to be eligible for the section of the Committee which he/she represents, shall vacate his/her seat on the Committee and a casual vacancy shall be deemed to have occurred.
- 10.2 A duly elected Dispensing Optician whose name no longer appears on the GOC List or has ceased to be eligible for the section of the Committee which he/she represents, shall vacate his/her seat on the Committee and a casual vacancy shall be deemed to have occurred.
- 10.3 Where a member of the Committee has been absent from three consecutive meetings to which he/she has been summoned, the Committee may, unless they are satisfied that his/her absence was due to illness or other reasonable cause declare that his/her seat has been vacated and a casual vacancy shall be deemed to have occurred.
- 10.4 A member of the Committee may at any time, by notice in writing signed by him/her and delivered to the Secretary, resign his/her membership or office.

Method of Filling Casual Vacancies

- 11.1 Where by reason of the resignation, death or disqualification of an optometric member of the Committee, a casual vacancy in the membership of the Committee occurs, the Committee may appoint an Optometrist on the local Ophthalmic List and practising in the region of the Health Board as affected or as appropriate an Optometrist employed as such by NHS Trusts whose premises are situated in the territory of the Health Boards. If a casual vacancy occurs in the appointed membership the Committee shall ask the nominating body (either the Federation of Ophthalmic and Dispensing Opticians or the Association of British Dispensing Opticians and the Association of Optometrists acting together) to make a new appointment.

11.2 Where by reason of the resignation, death or disqualification of a dispensing optician member of the Committee, a casual vacancy in the membership of the Committee occurs, the Committee may appoint a Dispensing Optician on the GOC List and practising in the region of the Health Boards.

11.3 The person so appointed shall hold office for the remainder of the term of office of the member in whose place he/she is appointed.

Observers

12 Observers shall be invited at the discretion of the Chairman.

Finance

13. The Committee shall be empowered to make such financial arrangements by statutory levy, as provided for in Sections 45(2) and (3) and Schedule 6 (paragraph 5) of the NHS Act 1977, to cover the administrative expenses of the Committee as shall be generally agreed by the optometrists on the Ophthalmic List and practising in the region and serving on the committee (practising in the area.) Provided that the Committee shall be empowered to raise funds by voluntary levy for such other purposes as the Committee may approve.

Records and Accounts

14. Minutes shall be kept of each meeting of the Committee as well as an account of income and expenditure, such account to be audited annually by two GOS contractors, not being members of the Committee, appointed at the annual meeting, or a chartered accountant.

Notice of Meetings

15. Reasonable notice shall be given before each Committee meeting. In the case of the Annual Meeting, at least 21 days notice shall be given.

Annual Meetings

16. On 31st March each year, or the nearest convenient day, a meeting shall be held, to which all Optometrists on the Ophthalmic List and all dispensing opticians practising in the Health Board regions shall be invited.

The business of the meeting shall include

- (i) A report on the Committee's activities in the last year
- (ii) The presentation of the audited accounts for the past year
- (iii) The election of two GOS contractors to act as auditors, or a chartered accountant
- (iv) And (every third year) the election of the Committee.

Amendment of Constitution

17. The Committee may, where changes in the NHS Regulations or where local circumstances require, vary the constitution. Proposed changes shall first be circulated to all Optometrists whose names are included in the ophthalmic list for the region; and, at the same time, to the Health Board(s). The Health Board(s) shall then inform the Committee, the Association of Optometrists, the Association of British Dispensing Opticians and the Federation of Ophthalmic and Dispensing Opticians whether the proposed amendments would be consistent with continued recognition of the Committee under Section 44 of the NHS Act 1977 as amended by Section 12 (4) of the National Health Service and Community Care Act 1990. If the Health Board(s) has/have no objection, the Committee shall then propose the amendments to the next Annual Meeting of the contractors practising in the region; and, if the amendments are adopted, by a two-thirds majority at the Annual Meeting, the Committee shall notify the Health Board(s), the Association of Optometrists, the Association of British Dispensing Opticians and the Federation of Ophthalmic and Dispensing Opticians accordingly.

Governance

- 18.1 Members of the Committee shall declare any interests when standing for election and on appointment to the Committee, as well as at the start of each local meeting or local item on the agenda.
- 18.2 Members of the Committee, having an actual or potential conflict of interest in relation to an issue, shall not engage in discussion, nor vote, on that issue.
- 18.3 Members of the Committee shall be bound at all times by the normal rules and expectations of commercial and professional confidentiality relating to the work of the Committee. They shall not divulge, nor act inappropriately upon, nor use inappropriately any information obtained by virtue of their membership of the Committee or its work. They shall be demonstrably scrupulous in this regard at all times and, particularly, when they might have an actual or potential personal interest. They shall be reminded of this requirement at each meeting as appropriate. Any infringement of this requirement shall be dealt with, as the Committee judges fit.
- 18.4 In connection with their membership of the Committee and its work, members of the Committee shall ensure transparency and equality of information and opportunity for all local contractors in matters relating to the commissioning and provision of local optometric services.

APPENDIX A

**PROCEDURE FOR THE ELECTION OF OPTOMETRISTS AND DISPENSING
OPTICIANS TO THE REGIONAL OPTOMETRIC COMMITTEE**

1. Every Optometrist whose name is on the ophthalmic list and is practising in the Health Board regions (in this scheme referred to as "an elector") shall be entitled to be present and to vote at a meeting convened for the purpose of electing Optometrists to the Committee. At least 21 days before the date on which the meeting is to be held the Returning Officer shall send to all Optometrists on the Ophthalmic List and practising in the region, a written notice, setting forth the date, time, place and purpose of the meeting.
 - 2.1 The Returning Officer shall be appointed by the Regional Optometric Committee. In the event of the person appointed as Returning Officer being unable to act, he shall appoint some other person other than an elector to act as deputy in his place.
 - 2.2 The Returning Officer shall be reimbursed all expenses properly incurred by him in the conduct of the election.
3. The electors present at the meeting shall appoint a Chairman to preside at the meeting and two scrutineers to assist the Returning Officer in counting the votes.
4. Any Optometrist whose name is on the ophthalmic list and is practising in the Health Board regions may be a candidate for election to the Committee. Any dispensing optician whose name is on the GOC list and is practising in the Health Board regions may be a candidate for election to the Committee.
5. Every candidate shall be nominated by at least two electors either personally at the meeting, or by written communication delivered to the Returning Officer at least 48 hours before the meeting. The Returning Officer shall not accept any nomination unless the candidate has intimated before the time of voting that, if elected, he/she is willing to accept office.
6. If the number of candidates does not exceed the number of vacancies to be filled, the Returning Officer shall declare those candidates to be elected; if the number

- of candidates exceeds the number of vacancies, a vote shall be taken in the manner hereinafter provided for the purpose of filling those vacancies.
7. Each elector shall be entitled to cast a number of votes equal to the number of vacancies in respect of the vote taken, but he may not cast more than one vote for any one candidate.
 8. Voting shall be in accordance with the following rules
 - (i) The Returning Officer or his deputy shall prepare a list of duly nominated candidates showing the names of electors by whom each candidate has been nominated.
 - (ii) The Chairman shall in such manner as he thinks fit inform the meeting of the names of the candidates and the number of vacancies.
 - (iii) Each elector shall indicate on a voting paper the names of those candidates for whom he wishes to record his vote and shall sign his name at the foot thereof.
 - (iv) Optometrists may only vote in the ballot for optometric candidates and dispensing opticians may only vote in the dispensing optician's ballot.
 - (v) A voting paper shall be invalid if
 - (a) It contains the names of more candidates than there are vacancies to be filled
 - (b) It is not signed in accordance with these rules
 - (c) In any other respect it does not comply with these rules or is marked in such a manner as to cause any uncertainty as to the candidate for whom the elector desires to cast his vote, provided that the Returning Officer shall, if he thinks fit, treat a voting paper so marked as valid for the purpose of any vote other than that in connection with which the uncertainty arises.

9. The Returning Officer shall examine the voting papers, and after rejecting any that are invalid, shall count the votes recorded on the remaining papers and shall prepare a list of the candidates according to the number of votes each has received, in descending order of number of votes cast.
10. Provided that the Chairman may on a resolution duly proposed, seconded and passed by the meeting prior to voting, declare that voting shall be by a show of hands for each candidate separately. Paragraphs 8 and 9 shall then only operate insofar as they can be made applicable.
11. If the votes received by any two or more candidates are equal and the addition of a vote to any one of such candidates would enable that candidate to be declared elected, the Chairman shall take a vote of the meeting, either by show of hands or in writing, as he thinks fit, to decide which of the candidates shall be placed higher on the list; or if the meeting has been declared at an end before the count is completed, the Returning Officer shall decide by lot which of the candidates shall be placed higher on the list.
12. The Returning Officer shall declare elected such number of Optometrists highest on the list as will fill the vacancies to be filled at the election. The Returning Officer shall declare elected the two dispensing opticians highest on the list.
13. Where the number of persons elected is less than there are vacancies to be filled, the Committee may appoint one or more Optometrists to fill the vacancy or vacancies, and the persons so appointed shall be deemed to be elected members.
- 14.1 Where a Deputy Returning Officer has acted at a meeting he shall forthwith give notice in writing of the result of the election to the Returning Officer.
- 14.2 The Returning Officer shall forthwith give notice in writing of the result of the election to each of the persons elected.
15. Where any document is required under these rules to be sent to an Optometrist, it shall be deemed to have been duly sent if it has been delivered or posted to the address of the Optometrist in the Ophthalmic List. Where any document is

required under these rules to be sent to a dispensing optician, it shall be deemed to have been duly sent if it has been delivered or posted to the address in the GOC List.

16. Any question as to the validity of any nomination, ballot paper or otherwise, in connection with an election, shall be determined by the Returning Officer.

METHOD OF ELECTION OF OPTOMETRISTS EMPLOYED BY NHS TRUSTS

17. The Secretary of the ROC shall write to all Optometrists employed by NHS Trusts within the region of the Committee inviting nominations from among their number to serve on the Committee.
In the event of more than one Optometrist being nominated, a simple ballot shall be held among the Trust Optometrists to elect one Optometrist.

APPENDIX B

**THE LIST OF HEALTH BOARDS, THE BOUNDARIES OF WHICH SHALL BE
CONSIDERED TO CONSTITUTE THE SOUTH WEST WALES REGIONAL
OPTOMETRIC COMMITTEE.**

Abertawe Bro Morgannwg University Health Board

Hywel Dda Health Board

Powys Teaching Local Health Board

APPENDIX C

**THE LIST OF COUNTY CONSTITUENCIES WITHIN THE HEALTH BOARDS
AND THE NUMBER OF SEATS AVAILABLE IN EACH.**

Bridgend	Two
Carmarthenshire	Two
Ceredigion	Two
Neath Port Talbot	Two
Pembrokeshire	Two
Powys	Two
Swansea	Two

And six others elected from the region as a whole

Draft Date: April 27th 2010

Explanatory Note

- i. The following scheme has been approved by the Association of Optometrists (AOP), the Association of British Dispensing Opticians (ABDO), the Federation of Ophthalmic and Dispensing Opticians (FODO) and by the Department of Health as a basis for recognition of Local Optical Committees under section 5(4) of the National Health Service Reform and Health Care Professions Act 2002, which provides for the constitution of Local Optical (i.e. Optometric) Committees to consist of Ophthalmic Opticians (i.e. Optometrists) providing in the region of one or more Health Boards.
- ii. It is recommended that the more appropriate title of Regional Optometric Committee is used and that title is used throughout this constitution. The title Optometrist is likewise used throughout.
- iii. This constitution provides for the method of election of Optometrists and dispensing opticians to serve on the Regional Optical Committee (See Appendix A) and the appointment of representatives of GOS corporate contractors. Although this is an optometric committee, dispensing opticians are included because of their involvement in GOS and related matters.
- iv. The number of Optometrists elected to the local Optometric Committee should not normally exceed ten, save in regions in which the Committee represents GOS contractors in respect of a large number of HBs. In addition, the Federation of Ophthalmic and Dispensing Opticians shall appoint one member; the Association of British Dispensing Opticians and the Association of Optometrists shall jointly appoint one member, both members to represent the GOS corporate contractors of the region.
- v. The names, qualifications and addresses of the persons elected or nominated as members of the Committee should be notified to the Health Board(s) directly and, for information only, to Association of Optometrists, the Association of British Dispensing Opticians, the Federation of Ophthalmic and Dispensing Opticians and the College of Optometrists.

- vi. Where a Local Optometric Committee wishes to provide for the appointment of a Vice-Chairman, Clause (8) may be amended in accordance with the authority given under clause (16). If the Chairman and Vice-Chairman are absent from the meeting, for the purposes of that meeting a Chairman should be elected from among those present. The Committee will elect a Professional secretary whose function is to deal with correspondence on professional matters. The Lay secretary, who shall be appointed by the Committee, will deal all other secretarial matters.