

## APPENDIX ONE

### Constitution for North Wales Regional Optometric Committee

(As constituted under Section 5 (4) of the National Health Service Reform and Health Care Professions Act 2002 as Local Optical Committees)

#### 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 General Ophthalmic Services in the area of one or more local Health Boards.
- ii. It is recommended that the more appropriate title of Regional (Local) Optometric Committee is used by each ROC 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 to serve on Regional (Local) Optical Committees (See Appendix A) and the appointment of representatives of GOS corporate contractors.
- iv. The number of Optometrists elected to the regional (local) Optometric Committee should not normally exceed ten, save in areas in which the Committee represents GOS contractors in respect of a large number of LHBs. In addition, the Federation of Ophthalmic and Dispensing Opticians shall appoint two members, the Association of British Dispensing Opticians and the Association of Optometrists shall jointly appoint one member, all three members to represent the GOS corporate contractors of the area.
- v. The names, qualifications and addresses of the persons elected or nominated as members of the Committee should be notified to the Local 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 Regional (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.

### General

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

### Title

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

### Objects

- 3.1 To advise the Local Health Board (s) on matters affecting Optometrists undertaking General Ophthalmic Services in the area.
- 3.2 To advise the Regional Officers of the Welsh Assembly Government on issues relating to optometry in North Wales.
- 3.3 To enable Optometrists undertaking General Ophthalmic Services in the area 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 Local Health Board (s.)
- 3.4 To disseminate information about the General Ophthalmic Services among Optometrists in the area and to assist individual Optometrists and corporate contractors to understand and comply with their terms of service.

- 3.5 To give advice to Local Health Board(s) and other relevant organisations in respect of any complaints involving General Ophthalmic Services made against optometrists practising in the area for which the Committee is constituted.
- 3.6 To advise the Local 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 area.
- 3.8 To advise the Local Health Board (s) on the development of primary eye care in all its aspects in the area.
- 3.9 To select representatives to sit on the Wales National committees.

#### Membership

- 4.1 (a) The Committee shall consist of elected Optometrists all of whom shall be in practice in the area and whose names are on the local Ophthalmic List: two nominees of the Federation of Ophthalmic and Dispensing Opticians and one joint nominee of the Association of Optometrists and the Association of British Dispensing Opticians.
- (b) The Optometrists to be elected under 4.1(a) shall be elected by and from the Optometrists practising within the Local Health Board areas and whose names are on the local Ophthalmic List.
- (c) The nominees of the Federation of Ophthalmic and Dispensing Opticians must include at least one optometrist practising in the area and whose name is on the ophthalmic list

(d) In addition, the Committee shall, where applicable, include one Optometrist elected by and from Optometrists employed as such by NHS Trusts whose premises are situated in the territories of the Local Health Boards.

(e) In addition the committee shall also include up to a maximum of 2 dispensing opticians, who must be GOC registered and who will have full voting rights.

4.2 Provided that the Committee so elected shall have the power to co-opt any number of (one or more) Optometrists who shall not have any voting rights.

### **Term of Office**

5. The term of office of members shall be three years, provided that at the expiration of his /her 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 four times a year, at such time and place as shall be generally agreed.

### Officers of the Committee

8. The Committee shall elect a Chairman, Vice Chairman, Secretary and Treasurer from among their number, all of them eligible to hold office for one year, provided that the officers shall be eligible for re-election and provided that the posts of Chairman and Vice Chairman will not be held by any one Member for more than three consecutive years, unless specifically exempted by a special motion and so recorded by the Committee. (See also Explanatory

Note vi.) Officers are elected annually by the committee from its' members at the first meeting following the AGM.

8.1 The committee will elect from its' members an executive committee of 7 to include the officers as detailed in 8. And 3 further committee members to chair/ lead for the 3 task and finish groups, these being, clinical, education and communication work streams.

8.2 The full committee will be responsible for initiating and outlining objectives of the task and finish groups. The task and finish group lead will feed back to the committee and be accountable for expenditure.

8.2 The executive committee and/or task groups may meet more frequently if required.

### 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 area, has ceased to be employed by a Trust in the area 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 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.

10.3 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 a 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 area of the Local Health Boards or as appropriate an Optometrist employed as such by NHS Trusts whose premises are situated in the territory of the Local 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 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 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.

When Committee members are engaged on work for the ROC e.g. attending meetings regarding work streams then their expenses will be paid by the ROC in such a manner to be agreed from time to time by the Committee. The executive committee's expenses will be paid by the ROC and will constitute an annual honorarium, not exceeding £500. Attendance at meetings and other work ancillary will be paid by the hour. These payments will be made on

the understanding that regular attendance and feed back to the ROC and other relevant contributions is guaranteed.

### Records and Accounts

14. Minutes shall be kept of each meeting of the Committee and executive committee and work streams 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. Accounts shall be presented to the Annual General Meeting.

### 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. The observers nominated by the Association of British Dispensing Opticians should also be included among those to whom notice is given.

### Annual Meetings

16. On 1<sup>st</sup> Wednesday in May of 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 Local Health Board areas 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
- (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, the Committee shall notify the Local Health Board(s), the Association of Optometrists, the Association of British Dispensing Opticians and the Federation of Ophthalmic and Dispensing Opticians accordingly.

## **APPENDIX A**

### **PROCEDURE FOR THE ELECTION OF OPTOMETRISTS TO THE REGIONAL OPTOMETRIC COMMITTEE**

1. Every Optometrist whose name is on the ophthalmic list and is practising in the Local Health Board areas (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 area, a written notice, setting forth the date, time, place and purpose of the meeting.
- 2.1 The Returning Officer shall be appointed by the Local 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 Local Health Board areas 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 is 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) 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.
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.
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 area 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 hospital optometrists to elect one Optometrist.