



12<sup>th</sup> December 2007

## **Consultation on the regulations for LINKs**

Together the Association of British Dispensing Opticians, the Association of Optometrists, the College of Optometrists and the Federation of Ophthalmic & Dispensing Opticians represent the 10,000 optometrists, 5,000 dispensing opticians and optical businesses who provide high quality and accessible eye care services in the UK.

As independent contractors, most of whom practise on the high street, optometrists and dispensing opticians have a business as well as a professional interest in keeping their patients, who are also customers, happy. Many already take part in exercises such as 'mystery shopping' and have patient satisfaction questionnaires. Although Patients' Forum representatives already have rights of entry to and inspection of premises where General Ophthalmic Services (GOS) are provided, we are currently in discussion with the Department about how the new GOS regulations would provide for LINKs' access to optical practices (in the same way as for GP and dental practices). However this has not yet been agreed and the new regulations have not yet been made.

With that caveat, we have the following observations which we hope will be helpful

We notice that the proposed regulations do not appear to require the LINK representative(s) to give the provider any notice of their visit. Whilst the list of conditions to be fulfilled <sup>1</sup> then goes on to list exclusions to this we feel that, except in exceptional circumstances, agreement of the time of the impending visit with the service provider should be the norm. This would ensure that both the practice and visitors get the most out of the visit. This already happens for formal visits arranged by members of Patients' Forums.

---

<sup>1</sup> National Health Service, England, The Local Involvement Networks (Duty of Services-Providers to Allow Entry) Regulations 2008 – Regulation 3 - Duty of services-providers to allow entry by local involvement networks 3(2)(g)

We support the proposition that only appropriate members of LINKs should be allowed access to premises.

If, following our discussions, LINKs are provided access to optical practices, we would be keen to work with the Department to draw up guidance to help with the interpretation, particularly of the conditions in regulation 3(2) – i.e. what is considered to be ‘reasonable and proportionate’, in sub-paragraph (g). Given the low level of risk within the optical sector we believe requests for information must be appropriate and proportionate. Such visits will fall outside the GOS remuneration and will represent a cost to the practice which should be appropriately remunerated.

In relation to your specific questions we have set our comments below.

Responding to requests for information made by a LINK

**Do you think that services-providers should have duties to provide information to LINKs that go beyond the obligations imposed in the FOI Act 2000?**

We agree with the Government that the FOI Act is sufficient for obtaining information from public authorities. If further information is required we are concerned that this would impose additional unnecessary administrative burdens on service providers, for which they would need to be recompensed. We also feel that any information that is requested must pass the test of reasonableness.

Responding to reports and recommendations made by a LINK

**Is the timescale of responding within 20 working days appropriate?**

We believe that 20 working days is an appropriate timescale for commissioners to respond. This corresponds with the timescale of requests for information under the FOIA.

Duties of services-providers to allow entry by LINKs

**Do you feel the safeguards in place are proportionate?**

The current regulations provide safeguards as to how Patients Forum representatives should exercise their rights of entry and inspection. These must be respected. In addition to patients’ safety, privacy and dignity and the need not to compromise the effective provision of health services we would urge that LINK representatives who are authorised to enter premises must also respect operational and commercial practice as well as patient confidentiality. For these reasons such visits need to be managed sensitively.

In particular the timing of visits should be considered and representatives should liaise with the practice as to when a time is convenient. Periods when there is high patient activity should be avoided as any visit of this nature can often give a negative image to patients who are in the practice at the time.

LINK referral to an overview and scrutiny committee

**Is the timescale of responding within 20 working days appropriate?**

We believe the timescale of 20 working days is appropriate.

For further information please contact:

Dr Susan Blakeney

**Optometric Adviser,**  
College of Optometrists, 42 Craven Street, London WC2N 5NG