



Together ABDO, AOP, the College and FODO represent over 12,000 optometrists, over 5,600 dispensing opticians and optical businesses in the UK who provide high quality and accessible eye care services to the whole population.

15 June, 2009

The Office of the Health Professions Adjudicator Regulations 2009

Consultation Questions

Response form

| | |
|--------------------------|--|
| Name | Heather Marshall |
| Contact address | Association of Optometrists 61 Southwark Street London |
| Postcode | SE1 0HL |
| Contact Telephone | 020 7261 9661 |
| E-mail | heathermarshall@aop.org.uk |

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of

confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, the information you send us may need to be passed on to colleagues within the UK Health Departments and/or published alongside other responses to this consultation, either in summary form or complete.

I do not wish my response to be passed to other UK Health Departments

I do not wish my response to be published in a summary of responses

Please indicate all the countries to which your comments relate:

UK-wide *and/or*
England **Northern Ireland**
Scotland **Wales**

Are you responding:
- ~~as a member of the public~~
- ~~as a health or social care professional~~
- **on behalf of an organisation**

If you are responding on behalf of an organisation, please supply the following details:

~~NHS~~
~~Social Care~~
~~Private Health~~
~~Voluntary~~
~~Regulatory Body~~
Professional Body
~~Education~~
~~Union~~
~~Local Authority~~
~~Trade Body~~
~~Other (please give details)~~

The Office of the Health Professions Adjudicator Regulations 2009

Consultation Questions

Composition of the Council

Q1 Do you agree that the initial board of OHPA should be three in number?

No. No account appears to have been taken in respect of the potential for a member being absent, unavailable or unsuitable to carry out their function.

We would suggest five members at least one of whom should be a lawyer with expertise in adjudication functions and one of whom should be lay.

Please see also our response to question 4 below.

Q2 Will proper governance and accountability require an increase in members? If so, what size board will provide this and at what point should the larger board be in place?

Please refer to our responses to question 1 and question 4.

Terms of office

Q3 Do you agree that no member should hold office for more than an aggregate of 8 years during any period of 20 years?

Agree (✓)

Disagree ()

Unsure ()

Comments

Disqualification from appointment as a member of OHPA

Q4 Do you agree with the reasons for disqualifying a person from appointment as a member of the OHPA? If not, please specify which reasons you disagree with and explain why.

Agree ()

Disagree ()

Unsure (✓)

Comments

In respect of requirement 9, what criteria will be adopted to assess the appropriateness of an appointment in the circumstances described?

There are no provisions relating to the disqualification of a member on grounds of physical or mental health, misconduct, absence or unavailability.

There are no deputising arrangements in the event of the above or in the event a member resigns.

There is no power to suspend a member.

General observations and comments:

The draft regulations do not set out the functions of the body or its members.

Other than the disqualification provisions, are there any other criteria for appointments? For example, will references as to ability and character of an applicant be taken up before appointments are made?