

**Constitution for**  
**WILTSHIRE LOCAL OPTICAL**  
**COMMITTEE**

Revised 10th March 2017

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## Definitions

1. In this Constitution unless the context otherwise requires:
  - 1.1 'the Committee' means the Local Optical Committee (LOC) recognised by NHS England under the National Health Service Act 2006 section 125(1).
  - 1.2 'local contractor' means each person (including a body corporate) who has a General Ophthalmic Services contract and is providing Primary Ophthalmic Services, as described in the National Health Service Act 2006 section 125(2), in the area for which the Committee is formed. This may also refer to that local contractor's nominated representative.
  - 1.3 'local performer' means each optometrist (not being a local contractor) who:
    - 1.3.1 is performing primary ophthalmic services in the area for which the committee is formed and
    - 1.3.2 has notified the NHS England that they wish to be represented by the committee and has not notified it that they wish to cease to be so represented as described in section 125(3) of the National Health Service Act 2006.
  - 1.4 'NHS England' means the NHS Commissioning Board established under section 9 of the Health and Social Care Act 2012.
  - 1.5 'LOC Central Support Unit' (LOCSU) means the national support organisation for LOCs.
  - 1.6 'Clinical Commissioning Group' (CCG) means NHS organisation established by the Health and Social Care Act 2012 to organise the delivery of NHS services in England.

## **Title**

2. The Committee is to be known as Wiltshire Local Optical Committee.

## **Functions**

3. The functions of the Committee are those prescribed in the National Health Service Act 2006. The Committee may undertake such activities as are necessary to support the prescribed functions and to respond to requests from NHS England, CCGs and other relevant commissioning bodies.

## **Membership**

- 4.1 The Committee shall consist of at least six elected members and a maximum of twelve elected members. Where practical half the elected members shall be local contractors (or their appointed representative) elected by local contractors; and half shall be local performers elected by local performers. The committee shall include at least one elected member who is a local contractor (or their appointed representative) and at least one elected member who is a local performer.
- 4.2 All the local contractors shall be entitled to vote in the election of the members of the Committee who shall be local contractors. All the local performers who have elected to be represented by the LOC under Clause 1.3.2 shall be entitled to vote in the election of the members of the Committee who shall be local performers.
- 4.3 The term of office of each member of the Committee is three years. On the expiry of their term of office, a member is eligible for re-election.
- 4.4 A Chairman, Treasurer and Secretary (where a lay secretary has not been appointed) shall be elected by the committee at the first meeting following the Annual General Meeting. They shall serve for one year and be eligible for re-election. A Vice-Chairman may also be elected on the same terms.

- 4.5 The Committee may co-opt up to three members who may or may not be local contractors or local performers. Co-opted members shall not have any voting rights<sup>1</sup>. This should include at least one dispensing optician practicing locally who is not eligible to stand for election as a contractor or contractor's representative.

## **Disqualification or Resignation of Members**

- 5.1 An elected member of the Committee, who ceases to be a local contractor or local performer, shall vacate their place on the Committee with immediate effect. In such circumstances a casual vacancy shall be declared.
- 5.2 If a member of the Committee has been absent from three consecutive meetings of the Committee to which they have been summoned, the Committee shall declare that their seat on the Committee has been vacated, unless the Committee is satisfied that the absences were due to illness or other reasonable cause.
- 5.3 A member of the Committee may at any time resign their place on the Committee or post as an officer in writing to the Secretary or lay secretary.

## **Method of Filling Casual Vacancies**

6. If, by reason of the resignation, death or disqualification of a member of the Committee, a casual vacancy is declared, the Committee may elect a person to fill the vacancy. Where the outgoing member is an elected member, the person elected to fill the vacancy must be a local contractor or local performer, as the case may be. The member so elected shall hold office for the remainder of the term of office of the member of the Committee who has been replaced.

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<sup>1</sup> e.g. to make the LOC more representative of the local optometric community or to fill skill gaps

## **Validity of Proceedings**

7. The proceedings of the Committee shall not be invalidated by a vacancy in its membership or by any defect in the appointment of any member of the Committee.

## **Proceedings of Committee**

- 8.1 The Committee shall meet at least three times a year, at such time and place as is generally agreed.
- 8.2 The officers shall give at least 21 days' notice of each meeting of the Committee to all local contractors and performers. In cases of urgency, this period of notice may be reduced to five days.
- 8.3 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, subject to a minimum of three members, shall form a quorum of the Committee.

## **Observers**

- 9.1 Subject to rule 9.4, any local contractor or local performer may observe the meetings of the Committee.
- 9.2 The Committee may also invite other persons to attend its meetings (in part or in whole) as observers. Such observers may include the Chair of the Local Eye Health Network, clinical advisors and other representatives of NHS England and CCGs and other stakeholders as appropriate.
- 9.3 Observers shall normally be given meeting papers and invited to participate in the discussions but they shall not be entitled to vote.
- 9.4 The Committee may, at its discretion, go into private session and ask observers to leave.

## **Methods of Communication**

- 10.1 Communications within the Committee and between the Committee and the local contractors and local performers may be in writing by e-mail, post, fax or electronically, as appropriate. It is the duty of local contractors and performers to inform the secretary of their contact details.
- 10.2 The LOC should have a website that contractors and performers can refer to for information.

## **Finance**

- 11.1 A majority of the elected members of the Committee shall, in respect of each year, determine its administrative expenses to be incurred in the performance of its functions and request NHS England to allot such sums as NHS England may determine for defraying such expenses by means of deductions from the remuneration of local contractors, pursuant to sections 125(9) to (11) of the National Health Service Act 2006.
- 11.2 The administrative expenses in 11.1 may include membership of LOCSU.
- 11.3 The Committee shall also be empowered to raise funds by voluntary levy for such other purposes as the Committee may approve.
- 11.4 The Committee shall arrange for its annual accounts of income and expenditure to be independently inspected by a suitable person or persons and reported to the Annual General Meeting and to NHS England.

## **Records**

12. Written minutes shall be kept of each meeting of the Committee and be made available for inspection to all local contractors and local performers.

## General Meetings

13.1 The Committee shall call an Annual General Meeting of all local contractors and local performers, at an agreed time, within twelve months of the end of the Committee's financial year.

13.2 An Extraordinary General Meeting may be held at any time, if called either by the Committee or by at least twenty from amongst the local contractors and local performers.

13.3 The Secretary of the Committee shall make every effort to give notice of the Annual General Meeting or an Extraordinary General Meeting at least 21 days in advance. Notice shall be given to all the local contractors and local performers included in such lists as are from time to time provided to the committee by NHS England. Notice shall be given in writing or electronically. In the case of an Extraordinary General Meeting, the Secretary of the Committee shall notify the date, time, place and purpose of the meeting to all the listed local contractors and local performers, in writing or electronically.

13.4 The business of the Annual General Meeting shall include:

- the report of the Committee's activities of the past year
- the presentation of the inspected accounts of the past year
- the appointment of accounts inspectors for the following year
- and, when appropriate, the election of Committee members.



## Election of Committee

- 14.1 For the election of the Committee, the Committee shall appoint a Returning Officer to supervise the election. In the event of the person appointed as Returning Officer being unable to act, the Returning Office must appoint a person, other than an elector, to act as deputy in their place. The Returning Officer shall not be a candidate for election to the Committee.
- 14.2 All expenses properly incurred in the conduct of the election by the Returning Officer may be reimbursed by to Committee to that Officer.
- 14.3 All local contractors and local performers shall be entitled to be present and to vote in person at the Annual General Meeting.
- 14.4 The local contractors and local performers present at the Annual General Meeting may appoint a Chairman to preside over the meeting and appoint two scrutineers to assist the Returning Officer in the counting of votes.
- 14.5 Each Candidate shall be nominated by at least two electors either personally at the meeting or by written communication delivered to the Committee at least 48 hours before the meeting. Nominations shall not be accepted unless the candidate has made clear before the time of the vote that if elected they are prepared to accept the office.
- 14.6 The Chairman shall inform the meeting of the names of the candidates and of the number of vacancies.
- 14.7 If the number of candidates does not exceed the number of vacancies to be filled, the candidates shall be declared elected. If the number of candidates exceeds the number of vacancies, a vote shall be taken in accordance with the following procedure.
- 14.8 Each elector present shall be entitled to cast a number of votes equal to the number of vacancies on the Committee but may not cast more than one vote for any one candidate.
- 14.9 Each elector shall indicate on a voting paper the names of those candidates for whom they wish to record their vote. They must then sign the voting paper before submitting it for consideration.

14.10 In an election, no individual shall vote twice or stand for election for more than one post.

14.11 A voting paper shall be deemed invalid if:

- It is not signed
- It contains the names of more candidates than there are vacancies
- It contains the name of the same candidate more than once
- It in any other respect fails to comply with these rules or is marked in such a manner as to cause any uncertainty.

## **Governance**

15.1 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. See also Appendices A & B.

15.2 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.

15.3 Members of the Committee as elected representatives of registered healthcare professions shall at all times behave in a professional manner and within 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 and recorded in the minutes.

15.4 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.

## **Amendment of the Constitution**

- 16.1 The Committee may make amendments to the Constitution with the approval of no less than three quarters of the members of the Committee.
- 16.2 The Committee shall notify and provide details of any amendments to the constitution to NHS England. Such amendment(s) shall not come into force until the NHS England indicates that it is content to continue to recognise the Committee after such amendment(s) come(s) into force including by silence within a reasonable period<sup>2</sup>.

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<sup>2</sup> 'Reasonable' in this context is considered to be six weeks or, exceptionally in the case of August, two calendar months.

# Appendix A

## Register of interests for members of Wiltshire Local Optical Committee

Members of Wiltshire Local Optical Committee are required to subscribe to a Code of conduct which calls for openness, accountability and propriety in all their dealings and they should ensure that they are above suspicion of having a conflict of interest. The Committee requires all members to declare any possible conflict of interests and record them in a register to be held by the secretary of Wiltshire Local Optical Committee.

The register should list any direct and financial interests which members of the public might reasonably think could influence judgement and it should also list non-financial interests of members that relate closely to the work of the Committee. Members should disclose annually on the form provided and on the occasion of any changes before each meeting, any private interests which they or their close family have, and which fall into any of the categories below.

Interests that are deemed to be relevant and material include as follows:

- Any public or private appointment;
- Any company directorship;
- Any proprietorship or partnership in a trade, business or profession;
- Any holdings of unquoted shares;
- Any holdings of quoted shares, which represents either separately or in combination, more than 5% of the issued share capital;
- Any connection with a charity, voluntary or other body contracting or supporting any work which may closely relate to the work of the committee.

Relevance is deemed to exist if the LOC member:

- Directly has an interest as defined above.
- Has a close relative, such as spouse, or a brother or sister, ancestor or immediate descendant, or a spouse of such a relative who has such an interest.
- Has a partner who has such an interest.

## **Recording of conflict of interest**

Local Optical Committee members on first appointment and thereafter annually, are asked to fill in the Register of interests that is held by Wiltshire Local Optical Committee's secretary. Any subsequent change in circumstances which might affect their entry must also be recorded.

Any meeting where a possible conflict of interest becomes apparent, the relevant LOC member is to declare their interest. Unless the meeting deems otherwise, the LOC member is to take no part in the consideration of the matter, and is to withdraw from the meeting. They must not record a vote under the matter under discussion.

## **Appendix B**

### **Annual Registration of Business Interests for the Members of Wiltshire Local Optical Committee**

**(To be held by the secretary of Wiltshire Local Optical Committee)**

Name:

Address:

Year Commencing:

#### **Relevant Business Interests:**

(Please state nature of interest and the name of the outside organisation)

#### **Other Interests:**

SIGNED:

DATE:

WILTSHIRE LOCAL OPTICAL COMMITTEE