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**Advice Note**

**LOC Model Constitution**



**LOC SUPPORT UNIT**  
**ADVICE NOTE #6**  
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## Advice note

# LOC Model Constitution

November 2008

### Introduction

The revised Model LOC Constitution was approved by the Department of Health and the national representative/negotiating bodies in August 2008. The updated constitution will allow LOCs to review their membership and encourage the participation of individuals who may not have had the opportunity to get involved in the past. This will be welcome news for many LOCs, particularly those who have found it difficult to attract active Committee members. The process of adopting the revised constitution will ensure that all LOC members are clear on the function and accountability of the Committee. It is recommended that LOCs prepare to adopt the revised constitution at their 2009 AGM.

### Functions of the Committee

The functions of LOCs, as prescribed, are simply stated as being to represent local contractors and local performers. The national representative bodies have issued guidance on the functions of an LOC which can be found at [http://www.loc-net.org.uk/uploaded\\_files/119633106432175/advice\\_on\\_loc\\_model\\_constitution.pdf](http://www.loc-net.org.uk/uploaded_files/119633106432175/advice_on_loc_model_constitution.pdf)

### LOC Membership

The model constitution requires the Committee to have at least six elected members, split equally between local contractors (or their appointed representative) and local performers.

A local contractor can be an optometrist, dispensing optician, layperson or body corporate. A local performer must have

notified the PCT that he/she wishes to be represented by the Committee.

An optometrist can be both a contractor and a performer. For the purpose of electing the Committee, only performers who are not contractors can vote or be elected to the Committee to represent local performers.

No individual may be a candidate for more than one position on the Committee.

The national representative bodies recommend that a Committee consider co-opting up to three additional members, who may or may not be local contractors or local performers, for example dispensing opticians, advisers or administrators.



### Voting Rights

All local contractors are entitled to vote in the election of the members of the Committee who are local contractors (or their appointed representative). All the local performers are entitled to vote in the election of the members of the Committee who are local performers. Any local contractor or performer who is not able to attend the AGM/EGM may appoint a proxy (local performer

or contractor) to vote on his behalf, or vote by post.

### Term of Office

The term of office of the members of the Committee is three years. On the expiry of his term of office, a member is eligible for re-election. A Chairman, Treasurer and Secretary should be elected by all the local contractors and local performers at the Annual General Meeting, and they should serve for one year and be eligible for re-election. A Vice-Chairman may also be elected on the same terms.

### Proceedings of Committee

The Committee is required to meet at least three times a year, with at least one third of the Committee members in attendance. Written minutes must be kept of each meeting of the Committee and be made available for inspection to all local contractors and local performers.

### Observers

Any local contractor, local performer or other invited person may observe the meetings of the Committee e.g. optometric advisors. Observers will normally be given meeting papers and invited to participate in the discussions; but they will not be entitled to vote.

### Finance

A Committee's expenses would normally be met by means of a statutory levy on the GOS sight test fees payable to local contractors. The Committee's proposed expenses (including contribution to the LOC Central Support Unit) should be incorporated in the Committee's annual business plan; and the business plan and statutory levy should be agreed at the Annual General Meeting. Note that the expenses and levy must also be agreed by the PCT(s).

### Governance

Best practice indicates that members of the Committee should 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. In the

event of a conflict of interest, the member should not engage in discussion nor vote on that issue. Rules of professional and commercial confidentiality apply at all times in relation to committee work. The committee must ensure transparency and equality of information and opportunity for all local contractors in matters relating to the commissioning and provision of local optometric services.

### Key Points

1. Each LOC needs at least six elected members, split equally between contractors and performers.
2. Contractors can only be elected by contractors and performers can only be elected by performers.
3. Members of the committee will be elected for 3 years, and may stand for re-election.
4. A Chairman, Secretary and Treasurer will be elected for 1 year at the AGM, and may stand for re-election.
5. Committees are required to meet at least 3 times per year.
6. An annual budget should be set by the committee, including statutory levy as required, and accounts should be audited.
7. Observers e.g. optometric advisors may be invited to attend relevant parts of committee meetings but will not be eligible to vote.
8. Written minutes must be kept of all committee meetings and be made available for inspection to all local contractors and performers.
9. An AGM should take place within 3 months of the end of the committee's financial year.
10. All local contractors should be kept informed by the committee of all opportunities for the provision of local optometric services.