

Equality Impact Assessment

Section One: General Information:

1.1 Name of person completing this assessment:

**McKenzie HR Consultants in consultation with the General
Pharmaceutical Council**

Function: Corporate Governance (Equality and Diversity)

**Contact Tel No: Christine Gray, Head of Corporate Governance, General
Pharmaceutical Council. 020 3365 3503**

1.2 Title of Policy/Service/Function/Project being assessed:

The General Pharmaceutical Council (Appeals Committee Rules)
Order of Council 2010

Copy of policy attached to this assessment please tick ✓



1.3 Is this policy, service, function or project: ✓



New



Existing



Proposed



Changing

When was it issued ?

Not Stated (

**Please list below, any other policies or documents that are
either related to the policy, service, function or project being
assessed or are referred to within this assessment:**

**Various Articles 61(1) to (3) and (6), 63(4), 64(8) and 6 (1); 39 of
The Pharmacy Order 2010 ; persons and articles listed in paragraphs
to (h) of articles 66(3) and 66(4) of that Order**

Equality Impact Assessment

Section One: General Information (continued):

1.4 What are the principal aims of the policy, service, function or project being assessed ? For example, why does this exist within the GPhC and what is it designed to achieve ?

This document details the rules, functions and procedures to be followed by The *Appeals Committee* of the *General Pharmaceutical Council* - referred to hereafter in this document as '*The Committee*' and '*The Council*' respectively.

In summary, the purpose of the Committee is to hear appeals made by people against 'appealable decisions' relating to registration, approvals or details held on the Council's register of Pharmacists, Pharmacy Technicians and Pharmacies. A definitive list of 'appealable decisions' is contained within article 39 of the *Pharmacy Order 2010* (pages 33-34).

Brief examples of appealable decisions include:

- (i) The decision to refuse to enter a person on the Council's register.
- (ii) The decision to remove a pharmacist's (or pharmacy technician's) details from the Council's register.

The Committee effectively acts as an internal appeals service and follows strict legalistic procedures for conducting hearings, obtaining evidence etc as per other civil hearings and tribunal services in Great Britain.

Upon considering an appeal, the Committee has the power to:

- (i) Dismiss an appeal.
- (ii) Allow an Appeal.
- (iii) Substitute a decision made for a different decision.
- (iv) Refer a case to the Registrar for disposal.

1.5 List the main activities of the policy, service, function or project being assessed. For example, what does it involve ? Are there any key milestones or achievements that can be measured as a result of its implementation ?

To set out the functions, procedures and remit of the Appeals Committee ('the Committee') of the General Pharmaceutical Council ('the Council').

In summary, the policy details:

- The rules that apply to all proceedings before the Committee
- Action following receipt of Notice of Appeal
- The procedures and rules for issuing all documents relating to appeals
- How appeals hearings are conducted and the rules relating to the composition of the appeals panel
- Notice of Hearing
- The burden of proof and standard of proof required
- Advice from clinical, specialist and legal advisers and other Committees
- Rules and procedures relating to witnesses and the giving of evidence to the Committee
- Consideration of appeals on the papers
- Procedure at hearings
- Witness evidence
- Vulnerable witnesses at hearings
- Attendance of the public at hearings
- Payments and adjournments

1.6 **List the main activities of the policy, service, function or project being assessed.** For example, what does it involve? Are there any key milestones or achievements that can be measured as a result of its implementation? (continued)

In summary, the policy details: (continued)

- Design of the Committee
- Legal and technical representation
- The decision making powers of the Committee
- Rules relating to the awards of costs
- Notes and transcripts (again as important, what they say and is available i.e. sensitivity to diversity and equality)

The rules contained within this policy are in accordance with the powers given to the Council under various articles of the *Pharmacy Order 2010*.

In the case where an appellant, appeals (contests) the decision of the Committee, the case can be heard within a County Court (or equivalent).

Equality Impact Assessment

Section One: General Information (continued):

1.7 Who does this project or policy involve and affect ?

Consider both the internal (employment) and external aspects.

For example, GPhC employees, members, pharmacists, pharmacy technicians, pharmacy owners, patients and other organisations or members of the public who have dealings with the GPhC.

This policy affects:

- **Appellants** i.e. people bringing an appeal before the committee. This will generally be pharmacists or pharmacy technicians.
- **Witnesses** giving evidence to the Committee.
- **Representatives** e.g. solicitors, barristers, Council employees, trade union representatives etc.
- **Other advisors** to the Committee e.g. clinical specialists and legal advisors.
- **Members of the public** as many appeal hearings may be held in public.

1.8 What are the key performance indicators of this policy, service, function or project ?

The principal aim of this policy is to ensure that all procedures relating to appeals and subsequent hearings made before the Committee are in strict accordance with the rules detailed within this policy.

A key performance indicator of the effectiveness of this policy would be the number of appeals or complaints made against the Committee on the grounds that the Council's procedures relating to the appeal were not followed correctly.

Equality Impact Assessment

Section One: General Information (continued):

1.8 Was any *Equalities Research Data* utilised ✓

Yes

No

Equalities Research Data is internal or external information available in relation to equality that was taken into account in the development or implementation of the policy, service, function or project being assessed. Examples might include internal employment information, staff or pharmacists surveys or research, information from the *Equalities and Human Rights Commission etc.* Where you believe there are gaps in research please state what further research could or should be undertaken. Please include your recommendations within the *Further Actions* section of this document (section 4.0).

Please list any *Equalities Research Data* used below:

No evidence was available relating to the use of *Equalities Research Data* in the formulation of this policy.

A recommendation for the Council would be to capture and analyse the profile (by equality groups) of all appellants. It is recommended that this information is captured and analysed by:

- Initial applications made to the Appeals Committee
- The type of decisions reached by the Committee i.e. appeal upheld, dismissed, referred to the registrar and substitute decisions
- Appeals to higher courts (and subsequent decisions)

Capturing and analysing the above data would allow the Council to ascertain if any trends, in terms of equality, exist however coincidental or unintentional. For example, if the majority of appeals applications were made by black minority ethnic people, the Council would need to be aware of this fact and consider if any proactive or corrective measures would be appropriate.

Equality Impact Assessment

Section One: General Information (continued):

1.9 Who has been, or will be, consulted in the development or implementation of the policy, service, project or function being assessed ? Consultation should be with representatives of groups affected or directly involved. Please refer to Section 1.6 of this document for more information.

The Council has published (in accordance with *The Pharmacy Order 2010*) a set of draft rules which are currently the subject of consultation with the people most likely to be affected by the introduction of any new rules.

The consultation on the draft rules covers:

- Fees
- Registration
- Appeals
- Statutory committees and their advisers
- Fitness to practise

There is a legal requirement (as part of *The Pharmacy Order*) that the Council must consult such persons or organisations that it considers appropriate before making rules under Parts 3 – 7 of the Order, and that rules cannot come into force until approved by order of the Privy Council (except in the case of the Fees rules).

Consultations on further sets of rules e.g. fees for 2011, continuing professional development and pharmacy owners and superintendents will take place later in 2010.

After the close of the consultation, the Council will review the outcome and ensure that any necessary amendments are made to the rules prior to seeking Privy Council approval and their coming into force. The consultation closes on 4 May 2010.

Equality Impact Assessment

Section Two: Screening Impact:

Assessing Positive Impact

Please tick *Yes* or *No* to the initial questions below

2.0 Could this policy, service, project or function have a major impact (*positive, negative or differential*) on GPhC employees, members, pharmacists, pharmacy Technicians/owners, members of the public or any other GPhC stakeholders ?

Yes No

2.1 Could this policy, service, project or function impact positively or differentially on any other different groups of people that have contact with the GPhC ?

Yes No

If you have answered *Yes* to either of the above questions, please complete Section 2.2. of this document (overleaf). Otherwise, please proceed to Section 2.3.

Equality Impact Assessment

Section Two: Screening Impact (continued) :

| Assessing Positive Impact | |
|---|--|
| 2.2 How does the policy, service, project or function impact positively on the following groups: | |
| Group: | Evidence: |
| Race | <p>The policy allows all people, irrespective of their Race, Gender etc to appeal against a decision made by the Council.</p> <p>The procedures and rules would appear to be comparable to other similar civil appeals and tribunal services and are designed to allow appellants the opportunity to state their case and to call witnesses to support their appeal application prior to a decision being made by the Appeals Committee.</p> |
| Gender | |
| Disability | |
| Sexual Orientation | |
| Religion / Belief | |
| Age | |
| Different Socio and Economic Groups | |

Please now proceed to Section 2.4

Equality Impact Assessment

Section Two: Screening Impact (continued) :

2.3 Please state why, in your assessment, you consider that the policy, service, project or function is likely to have no *Positive Impact on Equality Groups*. Please attach evidence to support your assessment.

Not applicable.

Equality Impact Assessment

Section Two: Screening Impact (continued) :

Assessing Adverse Impact

Please tick Yes or No to the following questions and where available, provide evidence to support your answers.

2.4 Could this policy, service, project or function impact adversely or differentially on different equality groups ?

| | |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|--------------------------|

Yes No

Do people from different equalities groups have different expectations and needs of or from this policy, project service or function ?

| | |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|--------------------------|

Yes No

Is there evidence that any part of the policy, project, service or function could discriminate unlawfully either directly or indirectly against any equality groups ?

| | |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|--------------------------|

Yes No

If you have answered yes to any of the above questions, please complete Section 2.5. of this document (overleaf) otherwise, please proceed to Section 2.6

- 2: Adversely impact is where the affect or impact of the policy, service, project or function results in less favourable treatment, discrimination or disadvantage which may be direct, indirect or not immediately obvious and is not capable of being justified.
- 3: Equality groups are people of a different *Race, Gender, Religion/Belief, Sexual Orientation, Age Disabled* people and people drawn from different *Socio and Economic* groupings. Note that at the time of writing, the assessment of *Socio and Economic Groupings* should be performed at a 'strategic level only'¹.

1 Draft Government Guidelines on Interpreting the Equality Bill 2010

Equality Impact Assessment

Section Two: Screening Impact (continued) :

2.5 How does the policy, service, project or function adversely impact on the following groups:

| Group: | Evidence: |
|---------------|---|
| Race | <p>The policy does not appear to take into account circumstances where the quality of evidence given by either appellants or witnesses may be adversely affected on the grounds that a person may not speak English or for whom English is not their first language. (Note disability is referenced later where language may be pose some difficulty)</p> <p>Whilst the policy does state that an appellant may be accompanied by a 'Supporter' (Rule 14(3)(a), the policy additionally states that the <i>"Supporter can only accompany an appellant who is not (otherwise) represented and may only be entitled to address the Committee with the permission of the chair."</i>(14)(3) and (b).</p> <p>It is recommended that the policy either be revised or supplementary information produced to clarify the position relating to the use of interpreters as part of Committee proceedings and hearings.</p> <p>It is acknowledged that the use of interpreters is currently specifically listed within the policy in section 16(3)(c), but this would appear to only apply to 'Vulnerable Witnesses' and therefore does not extend to accommodate issues of Race or language barriers on the grounds of Race.</p> |

Section Two: Screening Impact (continued) :

| | |
|--|---|
| 2.6 How does the policy, service, project or function adversely impact on the following groups: | |
| Group: | Evidence: |
| Race (continued) | A further recommendation would be the production of this policy in other languages – especially where it has been identified by the Council that a number of appellants or witnesses are commonly drawn from particular countries or regions. |
| Gender | No negative impacts identified. An advisory note would be for the council to consider the composition of a typical Appeals Panel to ensure it is reflective of both the Council and the population of appellants / witnesses. Where an attendee has either advised they are pregnant or where this is clearly apparent (sensitivity required) please allow for ease of seating in a location if required for ready access to toilet facilities. |

Section Two: Screening Impact (continued) :

2.7 How does the policy, service, project or function adversely impact on the following groups: (continued)

| Group: | Evidence: |
|-------------------|---|
| Disability | <p>The policy includes specific references as to how the Committee will accommodate the needs of vulnerable witnesses and this includes people with both mental and physical disabilities.</p> <p>Three advisory points are made relating to this policy in respect of disability.</p> <p>1: The council amends the policy to explicitly state a list of 'special measures' (reasonable adjustments) it will make to accommodate a person's disability in both formal communications and during appeal hearings. The benefits of this statement being two fold:</p> <ul style="list-style-type: none"> (i) Disabled people involved with the Council's appeals process clearly understand the support available to them. (ii) Members of the Committee understand their own obligations and the options available to them to accommodate the needs of disabled people. (The policy currently states that "<i>The Committee may adopt such measures as it considers necessary to enable it to receive evidence from a vulnerable witness</i>"(16) (2). This statement is rather vague and is ultimately reliant upon the Committee members own knowledge of appropriate disability adjustments. |

Section Two: Screening Impact (continued) :

| 2.8 How does the policy, service, project or function adversely impact on the following groups: (continued) | |
|--|---|
| Group: | Evidence: |
| Disability (continued) | <p>Advisory Comments (continued)</p> <p>2: All documentation produced by the Council related to the appeals process is produced in different formats – especially large print.</p> <p>3: Appellants and witnesses are asked to declare whether they have a disability when initial appeal proceedings are commenced. This could be particularly relevant where an appeal is being determined ‘on paper’ (i.e. without a formal hearing) as people with certain mental impairments may find it difficult to express themselves on paper and this may adversely affect the quality of evidence presented to the Committee.</p> |
| Sexual Orientation | No adverse impacts identified. |
| Religion / Belief | A ‘prayer room’ in the facilities should be made available and pointed out in literature or a readily available notice, particularly during religious holidays such as Ramadan. It may be sensible to consider where possible not to hold appeal hearings during festivals/religious holidays or at the very least to check with those attending. These could include, Rosh Hashanah, Diwali etc. Also if food is being offered diet is a consideration. |
| Age | No immediate adverse impacts identified. Except in the case of elderly people who may indirectly have a disability due to advanced years. |

Section Two: Screening Impact (continued):

| 2.9 How does the policy, service, project or function adversely impact on the following groups: (continued) | |
|--|--|
| Group: | Evidence: |
| Different Socio and Economic Groups | Advisory comment. Whilst the awards of costs and expenses are determined post appeal decision, the Council may wish to consider a separate policy of providing assistance to socio and economically disadvantaged appellants or witnesses to ensure that people are not potentially excluded from the Council's appeals process on the grounds of their Socio and Economic Status. |

Equality Impact Assessment

Section Two: Screening Impact (continued) :

2.10 Please state why, in your assessment, you consider that the policy, service, project or function is likely to have no *Adverse Impact on Equality Groups*. Please attach evidence to support your assessment

Not applicable

Equality Impact Assessment

Section Three: Promoting Inclusivity:

3.0 How does this policy, project, service or function contribute towards the provision of fair and equal treatment to all people who have contact or dealings with the GPhC as detailed within the GPhC Equality and Diversity Policy:

With the exception of the potential risks of inequality identified as part of this Equality Impact Assessment, the Appeals process allows all appellants and other witnesses the opportunity to challenge a decision made by the Council within a hearing conducted by legally and professionally qualified individuals operating in an objective capacity on behalf of the Council.

Equality Impact Assessment

Section Three: Promoting Inclusivity (continued) :

3.2 How will you ensure that this policy, project service or function is continuously communicated to and available to all equality groups ?

As detailed within the action planning section of this document, it is recommended that the Council consider publishing this document in a number of different formats and languages to accommodate the needs of its diverse population.

3.3 Is there an opportunity to promote equality and diversity in developing this policy? Please explain.

In its existing format, the policy itself does not necessarily 'promote' equality.

The implementation of the action points recommended as part of this *Equality Impact Assessment* will allow the Council to promote equality issues to a greater extent within this policy.

The monitoring of the equality profiles of appellants/witnesses and any equalities issues that transpire as a result of this exercise will allow the Council to consider further options for promoting equality as part of the appeals process.

This policy does not make direct reference to equality and diversity (except the section on vulnerable groups) and needs to have clear statement to this effect.

Equality Impact Assessment

Section Four: Further Actions:

4.1 What are your specific actions/recommendations to amend this policy/project/service (based on your responses to Sections 2 and 3).

| | Proposed Action | Timescale | Responsible Lead | Measure/Outcomes |
|----|---|------------------|-------------------------|-------------------------|
| 1: | Monitor the number of complaints made by appellants in relation to 'procedural errors' to confirm the effectiveness of the Appeals policy. | | | |
| 2: | <p>Capture and analyse the equality profile of all appellants by:</p> <p>Initial applications made to the Appeals Committee.</p> <p>The type of decisions reached by the Committee i.e. appeal upheld, dismissed, referred to the registrar and substitute decisions.</p> <p>Appeals to higher courts (and subsequent decisions).</p> | | | |

Equality Impact Assessment

Section Four: Further Actions:

| | Proposed Action | Timescale | Responsible Lead | Measure/Outcomes |
|----|--|------------------|-------------------------|-------------------------|
| 3: | Revise the policy or produce supplementary information to clarify the position relating to the use of interpreters as part of Committee proceedings and hearings where issues of language exist because of a persons Race. | | | |
| 4: | Produce the policy in a number of different formats to accommodate potential issues relating to a person Race or Disability. | | | |
| 5: | Amend the policy to specifically include a list of 'special measures' (reasonable adjustments) to accommodate a person's disability in both formal communications and during appeal hearings. | | | |

Equality Impact Assessment

Section Four: Further Actions:

| | Proposed Action | Timescale | Responsible Lead | Measure/Outcomes |
|----|--|------------------|-------------------------|-------------------------|
| 6: | Ask appellants and witnesses to declare whether they have a disability when initial appeal proceedings are commenced. | | | |
| 7: | Monitor, record and review the composition of appeals panels – particularly in terms of Race and Gender. | | | |
| 8: | Consider a separate policy of providing assistance to socio and economically disadvantaged appellants. | | | |
| 9: | Benchmark this document with similar professional regulatory bodies to gain an insight into how equality and diversity is promoted as part of their appeals process. | | | |

Equality Impact Assessment

Section Four: Further Actions:

| | Proposed Action | Timescale | Responsible Lead | Measure/Outcomes |
|-----|--|------------------|-------------------------|-------------------------|
| 10: | Perform a consultation exercise with previous appellants and witnesses to understand how the process and rules might affect people drawn from different equality groups. | | | |
| 11: | Add a paragraph to the document to state how Equality and Diversity will be promoted when selecting, advertising and forming committees within the GPhC | | | |

Equality Impact Assessment

Section Four: Further Actions: (continued) :

4.2 How do you intend to monitor and report on the impact of the project, policy, service or function and the associated recommendations and actions ?

Via both the consultation process and agreed period of reviews of the action points raised as part of this and other Equality Impact Assessments performed within the Council.

Equality Impact Assessment

Section Five: Assessment Approval:

5.1 This Equality Impact Assessment has been completed by:

Signed **Date.....**

This Equality Impact Assessment has been examined and is approved / signed off on behalf of the GPhC

Signed **Date.....**

Notes:

Completed assessments must be sent to: