

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: Diversity and Equality

**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 (Registration Rules)
Order of Council 2010**

Copy of policy attached to this assessment please tick

✓



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Section One: General Information:

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

New

Existing

Proposed

Changing

When was it issued ?
(DD/MM/YY)

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:

- The Medicines Act 1968
- The Pharmacy Order 2010
- The Criminal Record Bureau
- GPhC Fitness to Practise Rules
- The GPhC Register of Pharmacists, Pharmacy Technicians and Pharmacies

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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 ?

The aim of this policy is to set out the rules relating to:

- The process to be followed by the Council and its registrants when registering Pharmacists, Pharmacy Technicians and Pharmacies onto the Council's register.
- The process to be followed by the Council and its registrants when renewing, changing, restoring or removing information held on the Council register.
- The service of documents and fees connected with registration.
- The security of the information held on the Council's register.
- Recording of Fitness to Practise determinations and sanctions.
- Applications made by registrants for voluntary removal from the Council's register.
- Documentary evidence required by the Council in respect of 'Proof of Identity', 'Date of Birth', 'Nationality' and 'Professional Status/ Qualifications'.
- Informing the Council of any changes of details of registrants.
- Allegations of Fraudulent Entries onto the Council's register.
- The Council's procedures for removing information held on the register when there are grounds to believe that the entry contains incorrect or fraudulent information.

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 ?

The ultimate aim of the policy is maintain the integrity and security of data registered and held by the Council in respect of its registrants on the Council's register.

Key milestones of this policy are:

- Maintaining a register of accurate, up-to-date and authentic information
- Prevention of data theft and corruption
- Elimination of fraudulent information being entered onto the Council's register.

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Section One: General Information (continued):

1.6 Who does this project 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.

- (i) Overseas pharmacists who satisfy GB registration criteria
- (ii) All GB Registered Pharmacists.
- (iii) All GB Registered Pharmacy Technicians.
- (iv) All GB Registered Pharmacies.
- (v) Any person who applies (successfully or unsuccessfully) to the Council to be registered as a Pharmacist, Pharmacy Technician or any person wishing to register premises as a Pharmacy.
- (vi) Members of the public / other stakeholders who wish to access the information held on the Council's register.
- (vii) Council employees

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Section One: General Information (continued):

1.7 What are the key performance indicators of this policy, service, function or project:

All persons applying to the Council for registration, renewal, restoration, annotations or removal of information from the Council's register understand the rules, requirements, fees, processes and documentary evidence required by the Council in connection with their application.

All Council employees understand the rules, requirements, fees, processes and documentary evidence required to support applications for registration, renewal, restoration, annotations or removal of information from the Council's register.

Data held on the Council's register is secure and integrity of data is maintained.

The register is produced and is available in the formats stated in Section 5(1)(b) of this document.

Data held on the Council's register is maintained to ensure it is both up to date and accurate.

Data entered on the Council's register is removed where it is found the entry is made fraudulently, inaccurately or the information has changed.

Council employees understand the procedures to be followed when serving a *Notice of Intention to Remove* document to registrants.

Registrants understand the procedures to be followed when receiving a *Notice of Intention to Remove* document and the Registrant's right to elect for a hearing before the *Fitness to Practise Committee*.

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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 add to all registration documents a section to allow registrants to declare their:

- (i) Race
- (ii) Gender
- (iii) Disability (if applicable)
- (iv) Religion (or similar philosophical belief system)
- (v) Sexual Orientation

(A registrant's age is captured by the Council's registration processes).

The above action and the subsequent monitoring and analysis of this information is important to allow the Council to understand the equality profile of its registrants, identify any equality related trends and to identify further actions required by the Council to positively promote equality to people drawn from all six equality strands.

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.

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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.

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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	The policy has a positive impact on people drawn from all <i>equality strands</i> in that the registration process effectively provides a 'kite mark' of registered and qualified pharmacists, pharmacy technicians and premises used as pharmacies.
Gender	
Disability	It aims to ensure that all persons shown on the Council's register are both professionally qualified and are persons of 'good professional standing'.
Sexual Orientation	This policy therefore has a positive impact on any persons or organisations wishing to access the information held on the Council's register in that the rules imposed on registrants/applicants facilitate quality and integrity of information.
Religion / Belief	
Age	However, as the rules do not state that the Council will capture monitoring information for race, gender, disability, sexual orientation and religion/belief system (age is currently stated) it cannot be assumed that equality related adverse and positive impacts can be properly assessed. This information will also be required to include in the Council's Single Equality Scheme which will be developed shortly. Monitoring is the basis for 'evidence' based analysis.
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 adversely² or differentially on different equality groups³ ?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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"/>
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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"/>
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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 details the strict rules, requirements and procedures to be followed by all registrants and Council employees relating to data being entered into, held on, amended or removed from the Council's register of Pharmacists, Pharmacy Technicians and Pharmacies.</p> <p>The registration rules <u>may not</u> apply equally to all applicants and registrants. However, as the rules do not cover equality monitoring data, (except for age) it is not possible to say if the Council will be able to accurately determine the requirements of different equality groups and the concerns they may experience as part of the registration process.</p> <p>Whilst at a strategic level, <i>The General Pharmaceutical Council</i> has a statutory and professional duty to hold accurate and authentic information about its registrants. In the pursuance of this duty, <u>there is a general risk of discrimination</u> in the application of these rules and this risk falls into two separate categories:</p> <p>1: Risk of breach of UK Discrimination laws.</p> <p>2: Failure to implement the statutory duties placed on all public authorities to positively promote equality.</p>
Gender	
Disability	
Sexual Orientation	
Religion / Belief	
Age	
Different Socio and Economic Groups	

Continued

Equality Impact Assessment

Section Two: Screening Impact (continued) :

<p>2.6 How does the policy, service, project or function adversely impact on the following groups:</p>	
Group:	Evidence:
Race	<p>Risk of Breach of UK Discrimination Laws:</p> <p>In the pursuance of the Council's duty to hold accurate information and in its capacity as a regulatory body, any discriminatory affect and breach of UK discrimination laws resulting from the enforcement of the Council's registration rules may be capable of being justified on the grounds that the rules are 'proportionate to the legitimate aims of the organisation.</p> <p>Failure to implement Public Sector Statutory Duties:</p> <p>The <i>Race Equality Duty 2001</i>, <i>The Disability Equality Duty 2005</i>, <i>The Gender Equality Duty 2006</i> and the anticipated <i>Equality Bill 2010</i>, all place a statutory on public sector (or related) organisations to:</p> <ul style="list-style-type: none"> (i) Eliminate Discrimination and Harassment to people from different equality strands¹ (ii) Promote Equality of opportunity between people from different equality strands.¹
Gender	
Disability	
Sexual Orientation	
Religion / Belief	
Age	
Different Socio and Economic Groups	

1: An illustrative summary of the requirements of the statutory duties to positively promote equality

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Section Two: Screening Impact (continued) :

2.7 How does the policy, service, project or function adversely impact on the following groups:	
Group:	Evidence:
Race	<p>Failure to Implement Public Sector Statutory Duties:</p> <p>In summary, this legislation requires all public sector (or related) organisations to:</p> <ul style="list-style-type: none"> (i) Promote equality of opportunity within all activities and functions (ii) Assess all activities and functions to identify risks of inequality (effectively, performing Equality Impact Assessments) (iii) Capture, record and analyse equality statistics (as defined on page seven of this document) (iv) Develop and publish schemes detailing Equality Action plans and review outcomes
Gender	
Disability	
Sexual Orientation	
Religion / Belief	
Age	
Different Socio and Economic Groups	<p>Performing this Equality Impact Assessment has revealed a somewhat inconsistent approach within the rules to the collection, recording and subsequent analysis of equalities data which in itself, could represent a failure to implement the current statutory duties placed on public organisations to positively promote equality.</p> <p>Please see our advisory notes on page 21 of this document.</p>

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Section Two: Screening Impact (continued) :

2.8 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

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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:

Equality and Diversity is not referenced within this policy. There needs to be a paragraph included demonstrating the Council's commitment to inclusivity and fairness around the six equality strands.

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 considers capturing and monitoring the equality profiles of all registrants to allow the identification of any equality trends and appropriate developmental actions.

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 both within this policy and more generally.

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:	<p>Add to all registration documents a section to allow registrants to declare their:</p> <ul style="list-style-type: none"> (vi) Race (vii) Gender (viii) Disability (if applicable) (ix) Religion (or similar philosophical belief system) (x) Sexual Orientation 			
2:	Analysis of the above information			

Equality Impact Assessment

Section Four: Further Actions:

4.2 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
3:	Add paragraph demonstrating the Council's commitment to inclusivity and fairness for the six equality strands.			

Section Four: Further Actions:

4.3 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
5:	<p>To fulfil both the requirements of the public sector duties to positively promote equality (please see page 15 of this document) and to structure and measure the Council’s approach to equality and diversity, it is recommended that the council capture equalities data by all six equality strands (Gender, Race, Disability, Sexual Orientation, Religion/Belief and Age) as follows:</p> <p>In Employment:</p> <p>By:</p> <ul style="list-style-type: none"> (i) Applicant Success Rates (ii) Promotions (Advancements) and Demotions (iii) Training and Development (iv) Grievances, Complaints and Disciplinary action taken (v) Leavers (vi) Composition of Council Committees <p>The Appointment of Other Stakeholders e.g.</p> <ul style="list-style-type: none"> (i) Contractors (ii) Council Members (iii) Composition of Council Committees 			

Continued

	Proposed Action	Timescale	Responsible Lead	Measure/Outcomes
5:	<p>To fulfil both the requirements of the public sector duties to positively promote equality (please see page 15 of this document) and to structure and measure the Council’s approach to equality and diversity, it is recommended that the council capture equalities data by all six equality strands (Gender, Race, Disability, Sexual Orientation, Religion/Belief and Age) Continued:</p> <p>In Service Delivery i.e. when people apply to use or use the services provided by the Council. Examples include (but are not limited to):</p> <ul style="list-style-type: none"> (i) Applications for information to be added, changed or removed from the Council’s register made by registrants or applicants (ii) Appellants and Witnesses in all formal proceedings, investigations and hearings within the Council (e.g. Fitness to Practise, Appeals etc). <p>In Service Delivery Outcomes e.g.</p> <ul style="list-style-type: none"> (i) Application success and rejection/failure rates (e.g. in registration) (ii) Cases and Hearing outcomes – Upheld, Dismissed etc. (For example, appeals, fitness to practise etc) <p>Finally, please note that the process of capturing information itself, achieves very little. The subsequent analysis of this information, identification, and implementation of development actions and the review of outcomes are the critical success factors to implementing a structured and measurable approach to promoting equality and diversity within the Council.</p>			

Equality Impact Assessment

Section Four: Further Actions: (continued) :

4.4 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: