Minutes of the **Council** meeting held on **6 February 2014** at 129 Lambeth Road, London, at 10.45am

**Present**
- Bob Nicholls – Chair
- Berwyn Owen
- David Prince
- Judy Worthington
- Liz Kay
- Mary Elford
- Mohammed Hussain
- Ray Jobling
- Sarah Brown
- Soraya Dhillon
- Tina Funnell

**Apologies**
- Samantha Quaye
- Gordon Dykes
- Keith Wilson

**In attendance**
- Duncan Rudkin (Chief Executive and Registrar)
- Hugh Simpson (Director of Policy and Communications)
- Bernard Kelly (Director of Resources and Customer Services)
- Claire Bryce Smith (Director of Inspection and Fitness to Practise)
- Vivienne Murch (Head of Organisational Development & People Strategy)
- Gary Richardson (Interim Director of Knowledge & Insight)
- Damian Day (Head of Education & Registration Policy)
- Lyn Wibberley (Head of Executive Office)
- Matthew Hayday (Head of Governance)
- Paula Woodward (Council Secretary)

**Public business**

99. **ATTENDANCE AND INTRODUCTORY REMARKS**

99.1. The Chair welcomed members, public observers and staff attending the meeting.

99.2. The Chair congratulated Soraya Dhillon on her appointment as a non-executive director at Hillingdon NHS Foundation Trust.

99.3. The Chair reported that three new Council members had been appointed for three years: Evelyn McPhail, Alan Kershaw and Digby Emson. He also
reported that current Council members Liz Kay and Sarah Brown had been reappointed for a period of three years.

99.4. The Chair formally thanked the three Council members whose terms of office would be ending in March 2014 for their contributions to the Council: Ray Jobling, Keith Wilson and Gordon Dykes.

100. **DECLARATIONS OF INTEREST**

100.1. The following interests were declared.

   i. In relation to item 6, budget 2014-15, Mohammed Hussain, Berwyn Owen, Samantha Quaye, Soraya Dhillon and Liz Kay declared interests as registrants.

   ii. In relation to item 12, appointments process review, all members declared an interest.

101. **MINUTES OF THE PUBLIC SESSION OF THE PREVIOUS MEETING**

101.1. The minutes of the public session of the meeting held on 14 November 2013 were agreed as a true record.

102. **MATTERS ARISING**

102.1. In relation to the board of assessors report (minutes 77.3 and 80.2), Duncan Rudkin (DR) informed members that the issues raised by Council had been discussed with the schools of pharmacy. Their responses would be covered in the next Board of Assessors report which would be presented to Council at its meeting in September.

102.2. In relation to education procedures (minute 79), the Council was informed that the revised procedures for pre-registration trainees had been published and that new guidance for tutors was being disseminated.

102.3. In relation to modernising pharmacy regulation (minute 81.3), the Council was informed that the issues caused by the incorporation of standards in Rules had been raised with Ministers and discussed via the Rebalancing Programme Board. While there was ministerial support for separating the standards from the Rules, it would require changes to the legal framework.

102.4. DR also informed members that an update on the rollout of the new approach to inspection would be presented to Council at a meeting in the near future.

103. **CORPORATE PLAN 2014-15**

103.1. DR informed members that the corporate plan was the product of a new approach to planning within GPhC. He reminded members that this was part of a rolling programme of work over the next three years to meet the challenges set out in the strategic plan.
103.2. Damian Day (DD), outlined the work of the corporate plan team to produce the plan. He reminded members that the plan would undergo a ‘plain English’ check before publication. He also informed members that a report would be presented to Council at its next meeting setting out how the plan’s progress would be monitored.

103.3. In response to a member’s question, DD informed the Council that part of the role of the corporate plan team was to ensure that staff from all directorates were fully informed about their role in delivering the corporate plan. This was supported by the fact that the corporate plan team was not a separate group but drawn from staff across the organisation.

103.4. During the discussion, the Council noted that the plan linked well with the strategic plan and the new approach to strategic risk. The Council also noted that while the objectives relating to some strategic aims were well developed, others would become priorities over the following two years.

103.5. Commenting on the narrative, members suggested that where objectives overlapped this should be more clearly stated. Members also suggested that the plan could be more explicit about the link between developing more effective and efficient ways of working and better overall value for money for those we regulate.

103.6. The Council noted that while the plan set out a clear roadmap for the coming year, it also allowed for a certain amount of flexibility so that the organisation could respond quickly to external developments where necessary. It was therefore important that the level of detail in the document should not be too prescriptive.

103.7. DR assured the Council that their comments had been noted and would be considered as part of the process to finalise the plan.

103.8. The Council agreed the Corporate Plan 2014-2015, subject to external Plain English advice and any final drafting changes, the final sign off of which was delegated to the Chair of Council.

104. **BUDGET 2014-15**

104.1. Bernard Kelly introduced the paper by drawing members’ attention to the key points in the paper, including the proposal not to alter fees during the forthcoming financial year.

104.2. In relation to the organisation’s relocation, the Council noted that there would be a period where costs would be incurred for both old and new premises in addition to the setup costs for the new offices. However, the Council also noted that these costs would allow the organisation to invest in the future and build the necessary capacity required to meet the challenges of the coming years.

104.3. In relation to the proposed transitional deficit, BK informed members that while the budget only focussed on the year 2014-15, the intention was to
return to a balanced position in subsequent years. There was, however, a possibility of a small deficit in the following financial year but Council was assured that the reserves would be able to cover this.

104.4. In relation to expenditure on outsourcing, BK assured members that all costs were examined closely and that, in some cases, outsourcing had been found to be more cost effective.

104.5. In relation to the impact of the new inspection model and improvements to the handling fitness to practise cases on resources, the Council noted that the Executive would carry out a detailed analysis in the coming months to examine the fee burden for the various registrants, both individuals and premises. The Council suggested that the analysis should cover the cost base for the whole organisation, not only those directly relating to the directorates concerned, and that this work should be added to the corporate plan.

104.6. The Council approved the budget for 2014-15 as set out in paper 02.14/C/02.

104.7. The Council agreed:
   i. not to propose any changes to fees at this time;
   ii. that the proposed deficit was acceptable transitionally, in the circumstances outlined in the paper;
   iii. that the existing level of reserves was above that needed on an ongoing basis without impacting on the Council’s longer term financial stability; and
   iv. that a review of the organisation’s cost base should be added to the 2014-15 corporate plan to aid the preparation of future budgets.

105. PERFORMANCE MONITORING

105.1. DR informed members that a small number of typographic errors had been found in the report. On page 22 of the report, the titles for the graphs should be transposed.

105.2. In relation to fitness to practise, the Council asked that the reasons behind those cases older than 15 months old should be outlined in future reports. This would assure the Council that every effort was being made to bring the cases to a conclusion.

105.3. During the discussion, the Council suggested that learning points from fitness to practise cases could be collated periodically and disseminated to interested parties.

105.4. In relation to staffing and the office move, DR informed members that the Executive would closely monitor the impact on staff and take action to mitigate any adverse effects where possible.
105.5. In response to members’ questions, DR reported that work was being carried out to improve the management information available to staff and for reporting to Council.

105.6. The Council noted the performance report.

106. **FITNESS TO PRACTISE: EQUALITY AND DIVERSITY**

106.1. DR informed members that the paper represented the first step in the development of the organisation’s capacity to collect and analyse the data and intelligence it gathered in the course of its work.

106.2. Gary Richardson (GR) outlined the data sources used in the report and the methods used to link them. He informed the Council that while this particular report focused on ethnicity, future reports could also examine other protected characteristics such as age or gender. However, any further analysis would depend on whether the data presently collected could be regarded as robust enough for these purposes.

106.3. During the discussion, members made a number of suggestions regarding the themes and issues future reports could cover, such as a breakdown of cases at different stages of the FtP process, or what areas of practice the cases were drawn from. The Council also noted that it would be helpful for future reports to include a narrative or a qualitative analysis alongside the figures.

106.4. The Council welcomed the report and noted that it could provide only a brief snapshot based on the information available at a particular point in time.

106.5. The Council noted the report.

107. **FITNESS TO PRACTISE LEAN REVIEW**

107.1. CBS drew members’ attention to the main features of the lean review and reported that it had covered all aspects of the FtP process.

107.2. CBS informed members that the timescales required for some elements of the process were set either in legislation or were considered best practice. The focus had therefore been on improving processes and ways of working that the organisation could control.

107.3. CBS reported that the lean review had identified a number of areas where improvements could be made, such as ensuring that the amount and type of evidence collected was appropriate, and making better use of technology. These changes were supported by ongoing staff training, better management of investigations and changing the culture overall to keep cases moving.

107.4. In relation to the case management IT system, CBS reported that the focus to date had been on ensuring that the system worked effectively with the information held on the register. The next stage would be to develop the system further so that it could be used at every stage of the FtP process.
107.5. During the discussion, the Council welcomed the report and thanked the staff involved for their work to improve the FtP process. The Council also noted that small changes at each stage would lead to an overall improvement to the handling of cases.

107.6. The Council noted the report.

108. **CHIEF EXECUTIVE & REGISTRAR’S REPORT**

108.1. DR informed members that in addition to the responses to consultations set out in the report, the executive would be responding to the Health Select Committee’s call for evidence on complaints and whistleblowing.

108.2. During the discussion, the Council noted the large number of consultations and calls for evidence that were dealt with by the organisation. The Council asked that the reasons for not sending a response be summarised in the Chief Executive’s report in future.

108.3. The Council noted that a number of legislative changes were required in order for the organisation to fully respond to the recommendations set out in the Francis report.

108.4. The Council noted the report.

109. **UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE, 23 JANUARY 2014**

109.1. David Prince (DP) summarised the main points discussed by the committee, particularly information security, internal audit reports and timescales for responding to internal audit findings.

109.2. The Council noted the minutes.

110. **APPOINTMENTS PROCESS REVIEW**

110.1. MH outlined the key points of the proposals to review the appointments process. He drew members’ attention to the conflicts of interest that would impact on the possible candidates for membership of the proposed working group.

110.2. During the discussion, the Council noted that while the matter had been thoroughly discussed previously, it was timely that the issues relating to appointments should be reviewed. Members were content with the establishment of a working group to review the appointment process as outlined in the paper.

110.3. The Council also noted that it was important to have a robust rationale on which to base any decision about various aspects of the appointments process. It would therefore be more appropriate for the working group to consider the matter of open selection for each vacancy versus the development of a reappointments process.
110.4. The Council agreed:

i. to the establishment of a working group to consider the appointments process;

ii. that the membership of the working group should be determined by the Chair following expressions of interest from Council Members, and should include an external independent member;

iii. that the remit of the group should be proposed by the group itself, subject to approval by the Council at its April meeting.

111. DEPUTISING ARRANGEMENTS FOR CHAIR OF COUNCIL

111.1. The Council noted the deputising arrangements.

112. COUNCIL BUSINESS SCHEDULE

112.1. The Council noted the business schedule.

113. ANY OTHER PUBLIC BUSINESS

113.1. The Chair confirmed that the meeting was moving into confidential business since some matters to be discussed were commercially confidential.

There being no further business, the part of the meeting that was held in public closed at 2:20pm