Minutes of the public session of the Council meeting held on
13 November 2014 at 25 Canada Square, London E14 5LQ, at 10:30am

Present

Nigel Clarke – Chair
Alan Kershaw
Berwyn Owen
David Prince
Digby Emson
Evelyn McPhail
Judy Worthington
Liz Kay
Mary Elford
Mohammed Hussain
Samantha Quaye
Sarah Brown
Soraya Dhillon
Tina Funnell

Apologies

None

In attendance

Duncan Rudkin (Chief Executive and Registrar)
Bernard Kelly (Director of Resources and Customer Services)
Claire Bryce Smith (Director of Inspection and Fitness to Practise)
Hugh Simpson (Director of Policy and Communications)
Vivienne Murch (Head of Organisational Development & People Strategy)
Lyn Wibberley (Head of Executive Office)
Matthew Hayday (Head of Governance)
Paula Woodward (Council Secretary)
Prof Rose Marie Parr (Chair of the Board of Assessors), item 54 only
Chris Alder (Head of Professionals Regulation)
Mark Voce (Head of Inspection Team)
Damian Day (Head of Education)
Priya Warner (Head of Standards & Fitness to Practise Policy)
Vanda Thomas (Equality, Diversity and Inclusion Manager)

Public business

50. ATTENDANCE AND INTRODUCTORY REMARKS

50.1. The Chair welcomed members, staff and observers to the meeting.

50.2. There were no apologies.
51. **DECLARATIONS OF INTEREST**

51.1. The following declarations of interest were made:

- **Item 5: September 2014 registration assessment**
  Soraya Dhillon, Liz Kay, Digby Emson and Mary Elford declared an interest because of their roles in training and education.

- **Item 9: review of indicative sanctions guidance and item 10: Review of standards of conduct, ethics and performance**
  All registrant members declared an interest.

- **Item 13: policies and procedures review**
  All members and staff present declared an interest in the expenses policy.

- **Item 14: Council appointments working group**
  All Council members, except members of the working group, declared an interest.

52. **MINUTES OF LAST MEETING**

52.1. The minutes of the public session of the meeting held on Thursday 11 September 2014 were agreed as a true record.

53. **ACTIONS AND MATTERS ARISING**

53.1. The Chair summarised the actions that had been completed since the last meeting. The Council noted that the inspection feedback event (minute 38.5) had been well received.

53.2. With regard to shared care records (minute 43.2), Hugh Simpson reported that a statement had been issued setting out the application of standards with regard to the use of shared records by pharmacists.

53.3. The Chair reported that the GPhC’s Strategic Plan 2015-18 (minute 33) had been laid before the UK and Scottish Parliaments on 28 October and circulated to the Welsh Assembly. The plan had also been published on the GPhC’s website in English and Welsh.

53.4. The Council noted that all other actions had been completed or were covered by items on the agenda. There were no further matters arising.

54. **REPORTING ON THE SEPTEMBER 2014 REGISTRATION ASSESSMENT**

54.1. Prof Rose Marie Parr, Chair of the Board of Assessors, summarised the work carried out by the board to produce the report. She informed the Council that the board was modernising the registration examination in order to better reflect the developments in pharmacy. The aim was to focus less on the technicalities of pharmacy such as drug tariffs and more on issues that impacted on patients.

54.2. Damian Day (DD) drew members’ attention to the key points in the report.
54.3. During the discussion, members noted that the more discerning and clinical approach used to frame the examination was proving to be challenging for some students.

54.4. Members also noted that the support provided to students and trainers during the placement stage was key to ensuring that those who took the examination were fully prepared. DD reported that the move towards a five year integrated MPharm degree was likely to provide that support.

54.5. With regard to the difference in pass rates, DD reported that an analysis of a previous year’s cohort had revealed that those with lower A level grades or non-standard entry qualifications were more likely to fail the registration examination that those with higher A level grades. The results of this analysis had been fed back to the schools of pharmacy.

54.6. With regards to the pass rates of students of various ethnicities, DD reported that analysis was being carried out and that a seminar to help all parties involved to discuss and better understand the results would be held in spring 2015.

54.7. With regards to the composition of the board of assessors, Prof Parr informed the Council that the board’s members included practising pharmacists and technicians as well as education specialists.

54.8. The Council thanked Prof Parr and DD and noted the report from the Board of Assessors and associated actions by the executive.

55. CORPORATE PLAN UPDATE AND PERFORMANCE MONITORING REPORT

55.1. Duncan Rudkin introduced the report, informing members that the work to align the two parts of the report continued.

55.2. With regards to fitness to practise and inspection, DR reported that as more and better information was now being gathered, it could be analysed using a range of metrics. Members commented that the move to an evidence based target was welcome and noted that using a range of measures of the progression of cases would provide more insight than a single blunt measure.

55.3. During the discussion, members commented that the reporting format of the corporate plan update provided a useful summary of progress and made a number of suggestions to aid clarity.

55.4. The Council noted that objective 5 (ensure that registered pharmacies meet our standards) had received a red rating because the legal framework for the inspection of pharmacies had not yet been amended.

55.5. With regard to the increase in concerns, the Chair reported that at a recent meeting of the chairs of health regulators, all had experienced an increase. He had proposed that they work together to carry out research as to why this increase had occurred and whether it was likely to be sustained.

55.6. In relation to FtP, Chris Alder informed the Council that significant progress had been made with the handling of new cases and that these were now
being dealt with in line with expectations. Work on the older cases was making progress, with more of these cases moving through to committee stages.

55.7. With regard to premises inspection delays, Mark Voce reported that the current data did not take into account the 700-800 visits to premises carried out by inspectors following the reporting of concerns. He reported that work was being carried out to ensure that this data was captured and used as part of the overall inspections process.

55.8. ACTION: During the discussion, it was agreed that members should be provided with clarification of the time taken to formally report the outcome of FtP hearings to registrants both verbally and by letter, including reporting to the PSA.

55.9. ACTION: The Council also asked that the following be considered when the next corporate plan and performance report was prepared:

- an 18 month stretch target for the closure of FtP cases;
- sources of complaints;
- further breakdown of the category ‘misconduct’;
- further detail of FtP cases including the 50% of older FtP cases that were still at investigation stage;
- information about feedback following the FtP process.

55.10. The Council noted the report.

56. CHIEF EXECUTIVE AND REGISTRAR’S REPORT

56.1. Duncan Rudkin (DR) reported that the Welsh Language Commissioner was undertaking a review of the work and role of health regulators, including the GPhC, with a view to developing standards for the use of the Welsh language.

56.2. In relation to the regulation of investigatory powers act 2000 (RIPA), members commented that the legislative omission was an important issue for the work of the GPhC as an effective regulator and should be resolved as soon as possible.

56.3. The Council noted the report.

57. DRAFT EQUALITY STRATEGY 2014-2017 CONSULTATION

57.1. Vanda Thomas (VT) outlined the proposed consultation on the strategy and drew members’ attention to the planned actions.

57.2. During the discussion, members noted that the strategy needed to be clear about the distinction between illegal acts of discrimination and where there was unfairness. Members also noted that it was important to be clear about what the outputs and measures were.
57.3. Members also commented that the many of the aims and actions set out in the document would be better placed within the organisation’s overall work, and integrated into its strategic and corporate plans.

57.4. DR commented that the strategy was not simply about being compliant with legislation but how we use our regulatory levers and influence to improve access and fairness. However, DR said that it was clear that although the aims and activities set out in the document broadly reflected what was required, the Executive would reconsider the need for such a detailed stand-alone strategy.

57.5. **ACTION:** During a discussion about the terminology that should be used to describe various groups, it was agreed that the corporate style guide would be updated to improve consistency across the GPhC’s work and publications.

57.6. **The Council agreed that the organisation's approach to equality and diversity should be reconsidered by the executive to ensure that the work is integrated with and not separate from either strategic or day to day activities. A further paper to be presented to Council in due course.**

58. **REVIEW OF THE GPhC INDICATIVE SANCTIONS GUIDANCE**

58.1. Priya Warner (PW) introduced the paper by reminding members that the review would focus on the move towards principles based regulation.

58.2. **The Council noted the paper.**

59. **REVIEW OF STANDARDS OF CONDUCT, ETHICS AND PERFORMANCE**

59.1. Priya Warner (PW) introduced the paper and informed the Council that the student code of conduct would be reviewed alongside the standards for registrants. The review would look closely at the depth and breadth of the work of pharmacy professionals, across the full range of settings and patient groups.

59.2. During the discussion, members commented that there was a need for a debate on the role of pharmacy as a clinical profession while understanding that not all pharmacists worked in clinical roles. Members noted that while a sounding board was a tried and tested model of consultation, a range of approaches should be used to elicit the views of as wide a range of registrants as possible.

59.3. DR commented that standards are at the heart of the role of the GPhC and that the review aimed to ensure that those standards formed a fundamental part of what it means to be a pharmacy technician or pharmacist.

59.4. **The Council noted the paper.**

60. **DEPARTMENT OF HEALTH PROPOSALS FOR LANGUAGE CONTROLS**

60.1. The Council noted the paper.
61. **RAISING CONCERNS POLICY**

61.1. Matthew Hayday introduced the paper by reporting that the revised policy reflected the recommendations made by the charity Public Concern at Work.

61.2. During the discussion, MH informed members that the aim had been to provide staff and others with a clear process that provided a framework for anyone with a concern to follow while avoiding too much detailed legal information.

61.3. In terms of the wording of the policy, members suggested that the role of the chair of the Audit and Risk Committee chair in the process should be explained more fully, as should the role of the PSA as the organisation’s oversight body. Members also suggested that the policy should be monitored by the Audit and Risk Committee, with a periodic external review.

61.4. Members noted that staff understanding of the policy was key and suggested that the process should be fully explained during staff induction.

61.5. **The Council agreed the changes to the policy subject to amendments to the wording to reflect the points raised by members** (ACTION: amendments to be made with final approval by the Chair).

62. **POLICIES AND PROCEDURES REVIEW**

62.1. Matthew Hayday drew members’ attention to the changes to the policies set out in the paper.

62.2. **The Council agreed the proposed amendments to the Criminal Prosecution Policy, the Anti Bribery Statement, the Expenses Policy and the Terms of Reference of the Remuneration Committee.**

62.3. **The Council also agreed to rescind the Just Disposal of Legacy Cases Policy.**

63. **COUNCIL APPOINTMENTS WORKING GROUP PROGRESS REPORT**

63.1. Judy Worthington introduced the paper by reporting that the aim of the working group had been to ensure a fair selection process that encourages a wide range of applicants.

63.2. During the discussion, members noted that it may be helpful to review the composition of the Council and its needs before any recruitment round in order to encourage the recruitment of individuals with particular knowledge and expertise.

63.3. On the matter of the appraisal process, JW proposed that some changes suggested by David Prince would make a useful addition to the process. Members also noted that while a 360 degree appraisal process was a useful method of evaluation of the Chair, it was not time or cost effective to introduce that approach for all Council members.

63.4. **The Council noted the report of the appointments working group and agreed:**
i. The adjustments to the application form and process;

ii. The process for Council reappointments, subject to the inclusion of some wording setting out the Council’s intention to seek as diverse a membership as possible (ACTION: amendments to be made with final approval by the Chair);

iii. the appraisal process for Council members and Chair, subject to the addition of suggestions provided via email by David Prince.

64. MINUTES OF THE AUDIT AND RISK COMMITTEE, 15 OCTOBER 2014

64.1. David Prince drew members’ attention to the main points discussed at the meeting.

64.2. The Council noted the minutes of the Audit and Risk Committee.


65.1. Liz Kay drew members’ attention to the main points discussed at the meeting.

65.2. ACTION: During the discussion, the Council asked that the issue of diversity of applicants for Council member roles should be considered by the Executive and brought to Council for further discussion.

65.3. The Council noted the minutes of the Remuneration Committee.

66. ANY OTHER PUBLIC BUSINESS

66.1. There being no further public business, the part of the meeting that was held in public closed at 2:25pm.