Minutes of the Council meeting held on 7 February 2013 at 129 Lambeth Road, London SE1 7BT at 10.00am

Present

Bob Nicholls – Chair (exc 745-746)        Tina Funnell
Cathryn Brown                               Ray Jobling
Sarah Brown                                 Liz Kay
Celia Davies                                 Lesley Morgan
Soraya Dhillon                               Keith Wilson
John Flook                                   Peter Wilson

In attendance

Duncan Rudkin (Chief Executive & Registrar)  
Alison Readman (Interim Head of Governance)  
Francesca Chittenden (Council Secretary)   
Hugh Simpson (Director of Policy and Communications)  
Bernard Kelly (Director of Resources and Customer Services)  
Claire Bryce-Smith (Interim Director of Inspection and Fitness to Practise)  
Elaine Mulingani (Head of Associates and Executive Office)  
Viv Murch (Head of Organisational Development and People Strategy)  
Maxine Pryce (Governance and Assurance Officer) – minutes 739-744  
Terry Orford (Head of Customer Services) – minutes 739-740  
Damian Day (Head of Education and Registration) – minutes 739-740

Attendance and Introductory Remarks

731 The Chair welcomed, as observers, the 5 newly appointed Council members who would be taking office from 1 April 2013.

731.1 Apologies for absence were received from Gordon Dykes and Judy Worthington (Council Members).

731.2 The Chair of Council formally thanked the 5 Council Members whose terms of office would be ending in March 2013 for their contributions to the Council. The members included Cathryn Brown, Celia Davies John Flook, Lesley Morgan and Peter Wilson.
731.3 The Chair of Council also formally thanked Elaine Mulingani (Head of Associates and Executive Office) and Christine Gray (Head of Governance) who would both be leaving at the end of March for their contributions to the Council.

731.4 In relation to item 11 on the agenda, Audit & Risk and Remuneration Committee appointments, the Chair sought the Council’s permission to move the item to confidential business in light of the sensitive nature of personal information which would be discussed. The Council agreed the request.

**DECLARATIONS OF INTEREST**


**MINUTES OF THE LAST MEETING**

733 The minutes of the meeting held on 15 November 2012 were agreed as a true record of the meeting subject to minor typographical amendments.

**MATTERS ARISING**

734 In relation to minute 698.1 – Duncan Rudkin (DR) informed Council that a significant amount of work was under way to progress the registered pharmacies standards and support the transition stage. He stated that a number of constructive meetings with various stakeholders had taken place and that a stakeholder event had been scheduled. He also informed Council that an assurance group (comprising Council members and staff) had met to look at the governance of the various work streams which had been put in place.

734.1 In response to a Member question DR confirmed that recruitment to fill the Director of Inspection and Fitness to Practise was under way and that recruitment to fill the Head of governance and Head of Executive Office posts would be under way shortly. He confirmed that suitable interim arrangements were being put in place to ensure that business continued as usual.

**ROLLING CORPORATE PLAN - APRIL 2013 TO MARCH 2016**

735 DR introduced paper 02.13/C/01, an early draft of which had previously
been circulated to members for comment.

735.1 The Council considered the functions and format of the document. It was suggested that the identification of key milestones would enable Council to use the document more effectively for planning and monitoring purposes. It was further suggested that a shorter summary document or ‘handy guide’ may be more accessible for an external audience and could be used to communicate more effectively with patients and the public.

735.2 The Council debated whether the Council’s role in education and the development of new education and training standards was sufficiently prominent in the plan. The Council requested the plan be redrafted as appropriate to bring together the various references to education throughout the document in order to place a greater emphasis on this important statutory function. The Council also requested that the Council’s role in education for both pharmacists and pharmacy technicians be emphasised at pre-registration and post registration stages.

735.3 It was further agreed that the revised draft of the Corporate Plan would need to make explicit our intention to review both standards of education and training for pharmacy technicians in advance of the review of the National Occupational Standards by Skills for Health as well as an early review of the outcome standards for education of pharmacists which would need to take into account changes within pharmacy including current and likely future demand for enhanced clinical skills.

735.4 In light of the publication of the Francis Inquiry the Council requested that relevant references in the plan be updated to reflect our intention to carry out a systematic review of the inquiry and the government’s response to ensure required actions are identified and embedded within the corporate plan and operational work.

736 The Council agreed the rolling corporate plan as set out in paper 02.13/C/01. It requested that a further version be produced to take into account feedback from Council including the need to join up the various commitments on education and training and to ensure we reflect work required to review the result of the Francis Inquiry. Council requested that an updated paper on the Rolling Corporate Plan be presented to the April 2013 Council meeting. The Council further asked that the Executive consider how progress could best be monitored and the need for a summary version.
**2013-2014 BUDGET**

737 Bernard Kelly (BK) introduced paper 02.13/C/02 and thanked Council members for comments which had been received in advance of the meeting.

In response to a Member question BK informed the Council that the reserves target had been exceeded. However, he pointed out that the Council had just agreed an ambitious work plan in the rolling corporate plan and that as plans to undertake the work developed it would be clearer how the reserve surplus would be used.

In response to a Member query BK confirmed that travel costs encompassed accommodation costs incurred by Council Members and associates and the tax charge placed on travel. BK also clarified that a new policy had been put in place with regard to staff cars (which were necessary for some posts).

The Council requested that the 2014/15 budget paper set out where income from the various registrant groups was spent.

737.1 The Council

   i) Approved the budget for 2013/14 as set out in paper 02.13/C/02

   and agreed:

   ii) That it did not propose to increase fees at this time

   iii) That it would not consult on any changes to the GPhC fees or charges but that it will communicate its decision to registrants as appropriate.

**PERFORMANCE MONITORING**

739 Duncan Rudkin (DR) introduced paper 02.13/C/03 and drew Members’ attention to changes in the content and the presentation of information within the report which had been requested by Council at their previous meeting.

739.1 In response to a Member question Terry Orford (TO) confirmed that, where there were delays in processing applications for registrations, applicants were kept informed.

739.2 In response to a Member question regarding closure rates of Fitness to Practise (FtP) cases Claire Bryce-Smith (CBS) informed Members that all cases which were over 12 months old were actively monitored. CBS
acknowledged that although significant progress had been made in reducing the length of time taken to close FtP cases, to achieve the performance target of 95% of cases closed within 12 months by the end of March 2014, a different approach was required. CBS advised that the management were in the process of commissioning external support to undertake an end to end lean review of the FtP process. Council acknowledged that the few cases which were over 15 months old had been delayed due to external factors which the GPhC had no control over but requested that the specific age of each of those cases be laid out in order to track the remaining RPS legacy cases.

739.3 In response to a Member question Damian Day (DD) assured the Council that the themes (as set out in para 4.5 of the report) arising from accreditation / recognition of training courses were shared with course providers and relevant associations as learning points for improvement. DD also informed Members that there were no standards issues in accrediting courses which involve an overseas element and that staff at the GPhC visited the overseas providers to assure this. He added that due to the increasingly international status of many higher education establishments, courses involving an overseas element were becoming more common and that other regulators were moving in the same direction.

739.4 In response to a Member question DD confirmed that the Board of Assessors report had been in the public domain since December 2012 and that he had met with the student association to explain that the pass mark had been adjusted. DR highlighted that the term ‘adjusting the pass mark’ could be better expressed and that the process of adjusting the pass mark was a technical process used when new questions were introduced in order to assure the standard of the exam. DD confirmed that no negative feedback had been received since the issue of the report.

739.5 The Council requested that on the next occasion when the performance monitoring report covered Human Resources, the executive consider including information comparing the profile of staff at the GPhC to the profile of the register. The Council also requested that a list of accredited courses and courses due to be accredited be circulated.

740 The Council noted and commented on the performance monitoring report for the period to December 2012.

PSA Effectiveness and Efficiencies Review

741 BK introduced paper 02.13/C/04 and reminded Members that they had
discussed the interim report previously. The Council welcomed the report which indicated that the organisation was broadly in line with other regulators and that in most areas the organisation was very close to the expected norm.

741.1 BK stated that in some instances there were obvious reasons as to why the GPhC was out of line with other regulators, highlighting that the GPhC was the only regulator to hold a registration examination as an example. However, BK did confirm that staff would look at the areas where the organisation was out of line and the reasons were less obvious.

741.2 BK reminded the Council that the review would be repeated and that staff will continue to monitor where the organisation lay and to share information with other regulators to understand reasons for variations.

742 The Council noted the PSA review of the cost effectiveness and efficiency of health professional regulators.

Handling Organisational Complaints

743 Alison Readman (AR) introduced paper 02.13/C/06 setting out organisational complaints received in the period from October 2011 to September 2012.

743.1 The Council requested that moving forward more detail be provided regarding the most common themes of complaints received and that the previous year’s figures be included for each theme/category of complaint so that trends would be more apparent.

743.2 In response to a member question AR undertook to review the feedback procedure document set out at appendix 1 to make it more user friendly.

744 The Council noted

   i) the complaints statistics for the reporting period
   ii) the handling of complaints and lessons learnt.

Council Appointments 2014

745 BN declared a direct interest in this item and left the meeting. Celia Davies (CD) in her role as deputy to the Chair then chaired the item.
745.1 CD and AR introduced report 02.03/C/06 and led Council through the rationale behind the recommendations, highlighting the tight timescale and the need to follow a process which followed the PSA guidance in full.

745.2 CD informed Council that the working group would review several sources of feedback in deciding upon the process which would be followed. In response to a Member question CD confirmed that the working group would look at the balance of skills and experience of the continuing Members who would be on the Council from April 2014 to enable identification of the skill / experience set that would be sought through the appointments process.

745.3 CD invited expressions of interest for the working group from Council members, including those who were newly-appointed, who did not intend to stand in 2014 either as a member or as Chair. Expressions of interest should be sent to Lesley Morgan by 14 February 2013. Any further comments on the process should be sent by then.

746 The Council agreed:

i) that a working group be established with delegated authority to agree the recruitment process

ii) the process for establishing the working group

iii) the remit of the working group

iv) to provide further comment to the working group on the member roles and person specifications

BN rejoined the meeting.

REGULATORY STANDARDS POLICY

747 Hugh Simpson (HS) introduced paper 02.13/C/08 which had been updated following the recent consultation on standards for registered pharmacies. He drew Members’ attention to para 4.2 of the policy, which proposed that standards would be brought back after three years. HS recommended that this be amended to reflect that each set of standards should be reviewed periodically, but that three years was only a guide. Any review should be driven by evidence and analysis and would be a matter for Council. The policy itself should be evaluated every three years.

747.1 Referring to para 3.1 (fourth bullet) the Council debated whether the word ‘enable’ was appropriate and whether this should be strengthened. HS undertook to rewrite the bullet point so as to emphasise the importance of professionalism in upholding our standards.
747.2 Following a short debate the Council requested that para 3.5 be removed and that para 3.4 be amended to ensure suitable emphasise given to the accountability of pharmacy owners and superintendents.

748 The Council agreed the regulatory standards policy at Appendix 1 of paper 02.13/C/08 with the amendments referred to above.

STRATEGIC RESPONSE TO DEVOLUTION

749 HS introduced paper 02.13/C/09 and set out that there had been no significant changes to the policy other than to update language used.

749.1 HS reminded the Council that Directors for Scotland and Wales had been appointed since the policy had been agreed and that their presence in Scotland and Wales provided a useful method for engaging with all key interest groups including patients and the public, professional groups as well as the relevant governments.

749.2 HS stated that the policy should be reviewed following any major constitutional changes or policy developments. The next obvious occasion would currently be the referendum in Scotland scheduled for 2014.

750 The Council agreed the updated devolution strategy set out in Appendix 1 of paper 02.13/C/09.

INDICATIVE SANCTIONS GUIDANCE AND REFERRAL CRITERIA – TRANSITION ARRANGEMENTS

751 HS introduced paper 02.13/C/10 recommending that the current indicative sanctions guidance be adopted during the transitional period leading up to the introduction of the Amendment Rules.

751.1 In response to a Member query HS confirmed that a paper looking at the scope of the proposed consultation would be presented to the Council in April 2013, with updated draft indicative sanctions presented to Council later in 2013.

752 The Council agreed that the current indicative sanctions guidance and investigation committee referral criteria be adopted on an interim basis pending the introduction of the Amendment Rules.

CHIEF EXECUTIVE & REGISTRAR’S REPORT
753 DR introduced report 02.13/C/11 and updated Members on a number of items which had risen in prominence since the paper had been written.

753.1 To update Council DR confirmed that as reported through various media (including the BBC) urgent action had been undertaken as a result of the Inside Out programme to secure interim suspension orders for three of the pharmacists involved. He informed Council that the programme brought to the forefront the extent to which the GPhC as a regulator was restricted in the methods of investigation available.

753.2 DR also informed the Council that the Office of Surveillance Commissioners (OSC) had carried out a scheduled inspection of the GPhC in January as we were currently listed as a prescribed body under the Regulation of Investigatory Powers Act. The Commissioners’ report confirmed that the investigatory methods currently employed by the GPhC were compliant with our current legal powers and relevant staff were suitably briefed on relevant legislation and risk managed appropriately. He did, however, note that although we were a prescribed body under RIPA, we were unable to carry out covert surveillance due to an anomaly which meant the relevant secondary legislation had not been introduced for the GPhC. The OSC had recommended that the Government should correct this and DR confirmed that he would be writing to officials at the Department for Health on behalf of the Council to request legislation be brought forward so that relevant powers could be given to the GPhC.

754 The Council noted the report.

COUNCIL BUSINESS SCHEDULE

755 BN introduced paper 02.13/C/12 reminding the Council that the business schedule was subject to change.

755.1 BN invited suggestions for the May workshop.

756 The Council noted the proposed business schedule for the period April to June 2013.

ANY OTHER NOTIFIED BUSINESS

757 There being no further public business, the public meeting closed at 2.15 pm.

Date of next meeting – 11 April 2013 - London