Council meeting 12 January 2012

Public business

Chief Executive & Registrar’s report

Purpose
To keep the Council abreast of significant recent meetings and developments.

Recommendation
The Council is asked to note this paper.

1.0 Recent meetings

1.1 Listed in Appendix 1 is a non-exhaustive selection of significant meetings held during the two months since the last Council meeting.

1.2 Council members are reminded to liaise with the office before accepting external invitations to speak on behalf of the GPhC, in order to minimise overlap and to ensure they have the most up-to-date supporting material.

2.0 Law Commission review

2.1 In November Bob Nicholls, Judy Worthington and Tina Funnell took part, with me and members of my team, in a useful meeting with the Law Commission team to discuss a range of governance-related topics.

Separately, GPhC staff joined colleagues from other regulatory bodies in a meeting with the Commission team for a comparative review of the current legislative frameworks for system or quasi-system regulation in pharmacy, dentistry and optics.
The Law Commission continues to aim to publish a consultation document in early March.

3.0 Health Select Committee inquiry into education, training and workforce planning

3.1 The Committee plans to examine the Government’s plans regarding healthcare education, training and workforce planning in England, and has invited the GPhC to submit written evidence by 19 December. This has been submitted and copies are available on request.

4.0 Responsible pharmacist news

4.1 The Royal Pharmaceutical Society (RPS) and the Professional Forum of the PSNI commissioned an evaluation of the impact of the responsible pharmacist regulation in the UK, and the results of this work were published in The Pharmaceutical Journal on 12 December: [http://www.pjonline.com/news/research_reveals_burden-created-by-rp-regulations](http://www.pjonline.com/news/research_reveals_burden-created-by-rp-regulations). Council members should regard this as vital background to their consideration of our premises work.

The RPS will be holding a symposium on 26 January 2012 in order to ‘maintain momentum in developing ideas and action to effect change in the areas highlighted through the research’. Bob Nicholls, Cathryn Brown, Ray Jobling, Duncan Rudkin, Hugh Simpson, Priya Warner and Andrew Smith will be attending on behalf of the GPhC.

5.0 Council for Healthcare Regulatory Excellence (CHRE)

5.1 Performance review

The GPhC response to the CHRE performance review for 2011/12 was submitted to CHRE on 2 December. After a period of discussion and iteration, CHRE will publish its consolidated report on all the regulators on 7 June 2012.

5.2 Transition to Professional Standards Authority

The expected date for CHRE to become the Professional Standards Authority is now November 2012, which means the maximum potential exposure in relation to the levy in the year 12-13 is for the four months to March 2013. A DH consultation on the levy formula is expected soon.

5.3 Efficiency/effectiveness review

As a follow through from ‘Enabling Excellence’, CHRE has been commissioned by the DH to carry out a review of health regulators, the brief for which is: “As an alternative to further structural change...to lead a sector wide review of the
cost efficiency and effectiveness of each regulator with a view to identify cost savings”.

In particular, this review is expected to:

- Complement the Law Commission’s simplification review
- Take account of
  - work the regulators have in hand to deliver improvements
  - views of interested parties, such as patients, public, health professionals, employers, devolved administrations
  - good practice and scope for harmonisation
- Build on previous CHRE work
  - *Shared Functions and Modern & Efficient FtP Adjudication*

and in particular include links to the DH review of arm’s-length bodies’ (ALBs’) back office functions, which stated that:

- ALBs are expected to collaborate and co-operate to avoid duplication of activities and minimise unnecessary burdens and costs to health and social care organisations
- Functions include HR, finance, internal audit, estates, legal services, IT systems and procurement.

After considerable delays pending approval for the necessary funding from the DH, this work has now begun and the “Centre for Health Service Economics and Organisation” (CHSEO) has been commissioned to undertake the work.

CHSEO is a relatively new organisation, hosted by Nuffield College, but for the purpose of this review it is based at Skipton House in London. All CHSEO’s staff are either seconded from, or were previously employed by, the Department of Health.

Despite the initial delay the timetable for completion of this review is very tight, although CHRE has been able to negotiate an extension of the original timetable so that the final report will now be available by May 2012. In the meantime each regulator has been asked to fill in a standardised template of its finances detailing costs by functions, overheads etc, by 13 January 2012.

The regulators have met once with CHRE and CHSEO and a number of concerns have been expressed about the timetable, the level of resources being dedicated to the project and, as a result, the lack of detailed discovery of the factors that impact on significant cost areas such as registration and fitness to practise. This lack of detail in particular has been highlighted as a missed opportunity for regulators to learn from each other by identifying best practice in
these core areas.

The GPhC is concerned that as a very young organisation it has not yet fully developed its own ways of working, has been dealing with a substantial legacy of cases which will distort its cost structures and will not be able to provide meaningfully comparable information as it does not have a full twelve months of audited accounts from which to provide the information requested. We have pointed this fact out to CHRE and CHSEO, and await further clarification on the question.

5.4  **Audit of FtP initial-stage closures 2012**

CHRE’s report on its audit of GPhC FtP cases that were closed in the initial stages has now been published on CHRE’s website at [http://www.chre.org.uk/satellite/446](http://www.chre.org.uk/satellite/446). A report on the findings of this audit can be found in the performance monitoring report (paper 01.12/C/04). CHRE has confirmed that it will carry out a similar GPhC audit in 2012.

6.0  **Removal of the “Three Year Rule”**

6.1  The Medicines Act 1968 restricted GB-registered pharmacists who had qualified elsewhere in the EEA from undertaking the role of a responsible pharmacist in relation to a pharmacy that had been registered for under three years. This was commonly referred to as the ‘three year rule’. The Department of Health consultation on removing the restriction closed on 7 April 2011. There was a high level of support for removing the restriction, and an Order doing this has now been brought into force.

7.0  **Changes to GPhC rules**

7.1  Council members’ views have been sought over the past few months on potential changes to the GPhC’s rules. Based on this input, we have sought the Department of Health’s views on changes to the rules governing our statutory committees, the advisers to those committees, our fitness to practise proceedings, and the evidence of identity we require as part of our registration process. The changes are intended to give more flexibility, to enable us to respond to workload, and to provide clarity on some points, based on our operational experience to date.

Because GPhC rules require Privy Council approval, in line with normal practice draft amendments rules have been submitted to the DH and DH solicitors (who advise the Privy Council) for informal clearance prior to bringing them to the Council for approval for consultation. However, the DH does not expect to be able to clear the draft rules for consultation purposes in time for the February
Council meeting. We therefore plan to bring this consultation to the Council for approval in April.

8.0 **New appointments**

8.1 We have appointed Darren Hughes to be our Director for Wales. Darren is currently acting as the General Medical Council’s lead in Wales. We are delighted with this appointment and are very much looking forward to him taking up his post with us on Monday 16 January 2012.

We have also appointed a media and public affairs manager, Rachael Oliver, who will start on 5 January. Rachael joins us from the GMC where she was media manager. We expect to be able to announce a number of other key senior appointments shortly.

9.0 **‘Taking a view’ guidance consultation**

9.1 Our ‘Taking a view’ exercise on the four pieces of draft guidance ended on 15 December. Overall the comments have been positive and supportive of the work we have done. The Standards team is working through the responses and we plan to have final versions of that guidance out to registrants in early 2012, via upcoming editions of Regula+e.

10.0 **Business plan update**

10.1 **Registration**

The rolling register has continued to operate successfully. Renewals are being processed for five cohorts of rolling registrants, including the peak renewal cohort of December. The systems have continued to operate successfully during this period as the project overseeing the implementation of the rolling register nears closure. A review of operational activity continues to be covered in performance monitoring reports to Council.

10.2 **ICT outsourcing**

As part of the procurement process to identify a service provider who will host and maintain the GPhC’s ICT infrastructure, an invitation to tender was issued to nine long-listed suppliers, with the aim of selecting a supplier by the end of December. The three shortlisted suppliers presented to an evaluation panel between 14 and 16 December 2011. Following this, the preferred supplier(s) will be selected, informed and due diligence arrangements will be made.
10.3 Organisational development
Work is progressing appropriately on our new draft behavioural framework, draft performance development and review process, and the review of the rewards structure, progress with which will be considered by the Remuneration Committee in March.

The Associates work stream has continued to progress. Statutory Committee members' training sessions are arranged for January, February and March 2012. Recruitment of legal advisers, clinical advisers and medical assessors is planned for the New Year.

Recruitment is ongoing for the remaining vacant positions in the new organisational structure.

10.4 Development of standards: Premises
Council members were sent a draft of the consultation document on 15 September, and Council will be discussing it at this meeting (01.12/C/01). An engagement plan for the consultation is being drafted.

10.5 Olympics
The GPhC has established a staff task-and-finish group to ensure the organisation is appropriately prepared for the 2012 Olympics and its implications for our work. Draft FAQs for staff and managers will have been produced by the end of the year. These documents and a number of decision points will then be submitted to the Executive Team.

11.0 Consultations

11.1 A list of active consultations with which the organisation is or is not engaging is included at Appendix 2.

Recommendation

The Council is asked to note this paper.

Duncan Rudkin, Chief Executive & Registrar
General Pharmaceutical Council
duncan.rudkin@pharmacyregulation.org, tel 020 3365 3501

3 January 2012
List of Meetings

Listed below is a non-exhaustive selection of significant meetings held during the two months since the last Council meeting. Initials are as follows: Bob Nicholls (RMN), Duncan Rudkin (DR), Hilary Lloyd (HL), Bernard Kelly (BK), Hugh Simpson (HS), Elaine Mulingani (EM):

Chair:
- Medical Education England Board Meeting
- Law Commission Meeting – governance arrangements (with DR)
- Chair & CEO, PSNC – update meeting (with DR)
- Chair, NICE & Dr Philip Brown
- CHRE Regulators Forum (with DR)
- Chair, English Pharmacy Board & Director for England, RPS - (update meeting (with DR)
- Alliance Healthcare Pharmacy Awards 2011
- Modernising Pharmacy Careers Board Meeting
- BLP Seminar: Governance in the transition to clinical commissioning
- AT Kearney Consultancy -- Pharmacy in the Future survey
- University of London School of Pharmacy Lectures: Pharmacy, Medicine and the Future NHS (Professor Sir John Tooke, Vice-Provost, Health, UCL) & The Pharmaceutical Industry, Professionalism and the Future NHS (Stephen Whitehead, CEO, ABPI)

Staff:
- PSNI – MOU discussions (EM)
- Law Commission Meeting – governance arrangements (DR, EM, BK with RMN)
- Director of Quality Assurance Specialist Services, East of England and Northamptonshire – aseptic units (HL, HS)
- Chair & CEO, PSNC – update meeting (DR with RMN)
- Value & Access Director, ABPI – introductory meeting (DR)
- CHRE Regulators Forum (DR with RMN)
- University of Hertfordshire pharmacy graduation ceremony (DR)
- Law Commission workshop on regulation in the high street setting (HL, HS)
- Policy Exchange discussion – The Future of the NHS (HS)
- Regulators Directors of Resources meeting (BK)
- Chair, English Pharmacy Board & Director for England, RPS - (update
meeting (DR with RMN)
• Meetings/telecons with CPHOs for Scotland, Wales and England (DR)
• Modernising Pharmacy Careers Board meeting – speaking on pharmacy technician regulation (DR)
• Deputy Head and Lead Negotiator, NHS Employers Primary Care Workforce and Contracting – update meeting (DR, EM)
• GMC event - Responding effectively to concerns about doctors (DR, PW)
• Law Commission meeting - Registration/education/standards (HL, HS)
• Professional Standards Director & Superintendent Pharmacist & member of Pharmacy Development and Transformation team, Boots (DR)
• RPS senior staff – update meeting (DR, EM, HL, HS, BK)
• DH Project Group for Pharmacy Supervision (DR)
• Health Professions Council of Botswana (EM)
**Appendix 2**

Consultations on which a final office decision is pending are in italics.

<table>
<thead>
<tr>
<th>Title</th>
<th>By</th>
<th>Summary</th>
<th>Deadline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPD and revalidation for doctors</td>
<td>General Medical Council</td>
<td>The first consultation sets out what the GMC expects doctors to do to maintain and improve their practice through continuing professional development (CPD). The second consultation is about the statutory regulations which will set out the powers and duties of the GMC, doctors and employers when revalidation is rolled out in late 2012. Detailed information can be found on the GMC website at <a href="http://www.gmc-uk.org/news/10774.asp">http://www.gmc-uk.org/news/10774.asp</a>.</td>
<td>27 January 2012</td>
<td>Damian Day (Lead) Recommendation not to respond</td>
</tr>
<tr>
<td>Consultation on measures for improving the recognition of prescriptions issued in another Member State</td>
<td>European Commission(EC)</td>
<td>The Commission consults stakeholders to see how the recognition of cross-border prescriptions could be improved. Stakeholder input will feed into the impact assessment as announced on the European Commission’s impact assessment webpage <a href="http://ec.europa.eu/health/cross_border_care/consultations/cons_prescriptions_en.htm">http://ec.europa.eu/health/cross_border_care/consultations/cons_prescriptions_en.htm</a></td>
<td>08 January 2012</td>
<td>Martha Pawluczyk Recommendation not to respond</td>
</tr>
<tr>
<td>Project to consolidate and review UK medicines legislation</td>
<td>Medicines and Healthcare products Regulatory Agency (MHRA)</td>
<td>The MHRA is currently undertaking a project to consolidate and review UK medicines legislation. The project will bring the existing legislation into one set of regulations, and simplify and clarify the way provisions are drafted <a href="http://www.mhra.gov.uk/Howweregulate/Medicines/Overviewofmedicineslegislationandguidance/ProjecttoconsolidateandreviewUKmedicineslegislation/index.htm">http://www.mhra.gov.uk/Howweregulate/Medicines/Overviewofmedicineslegislationandguidance/ProjecttoconsolidateandreviewUKmedicineslegislation/index.htm</a></td>
<td>17 January 2012</td>
<td>Ambrose Paschalides (Lead)</td>
</tr>
<tr>
<td>Consulting on a revised Part 11 of the draft consolidated medicines regulations, which are also being consulted upon by MHRA.</td>
<td>Medicines and Healthcare products Regulatory Agency (MHRA)</td>
<td>Consultation MLX374 seeks your views on the draft regulations transposing the EU Directive 2010/84/EU on Pharmacovigilance. <a href="http://www.mhra.gov.uk/Publications/Consultations/Medicinesconsultations/MLxs/CON137667">http://www.mhra.gov.uk/Publications/Consultations/Medicinesconsultations/MLxs/CON137667</a></td>
<td>28 February 2012</td>
<td>Ambrose Paschalides (Lead)</td>
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<tr>
<td>A Mental Health Strategy for Scotland</td>
<td>The Scottish Government</td>
<td>Proposals for a new national mental health strategy bringing together work to improve mental health services and mental health improvement. Proposals intend to build on the current approach and seek Stakeholder’s views on the direction of travel for the next 4 years to further improve mental health outcomes. <a href="http://www.scotland.gov.uk/Publications/2011/09/01163037/0">http://www.scotland.gov.uk/Publications/2011/09/01163037/0</a></td>
<td>31 January 2012</td>
<td>Recommendation not to respond</td>
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</tbody>
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