Minutes of the Council Meeting held on 8 December 2010 at Sophia Suite, Hilton Hotel, Kingsway, Cardiff CF10 3HH at 11.30am

Present

Bob Nicholls - Chair  Liz Kay
Cathryn Brown  Keith Wilson
Sarah Brown  Peter Wilson
John Flook  Judy Worthington
Kirstie Hepburn  Tina Funnell
Ray Jobling  Soraya Dhillon
Celia Davies  Lesley Morgan.

In attendance

Duncan Rudkin (Chief Executive & Registrar)
Christine Gray (Head of Corporate Governance)
Michele Savage (Council Secretary)
Bernard Kelly (Director of Resources and Corporate Development)
Elaine Mulingani (Head of Private Office)
Hugh Simpson (Director of Policy and Communications)
Hilary Lloyd (Director of Regulatory Services)

Attendance & Chair’s Introductory Remarks

353 The Chair was pleased that within three months of formal operations the Council was holding a meeting in Cardiff and welcomed Council members, and observers the Chair of the Royal Pharmaceutical Society Welsh Board, Nuala Brennan and Secretary of the National Association of Women Pharmacists, Hazel Baker to the meeting. The Chair also welcomed Cris Dafis, Welsh translator to the meeting and asked Cris to explain the translation facilities that had been provided for the meeting. No apologies had been received.
The Chair informed the Council that no appointment had been made for a replacement Council Member from Scotland in the first round. The campaign would be re-run early in the New Year through re-advertising on the Appointments Commission website and by using informal networking to encourage applications.

**DECLARATIONS OF INTEREST**

354 The Chair asked members whether they had any interests to declare in respect of the agenda items. No interests were declared at this time. Subsequently during the discussion on paper 12.10./C/03 on fitness to practise cases, Sarah Brown and Judy Worthington declared an interest as former members of the RPSGB’s Investigating Committee. Keith Wilson also declared an interest in paper 12.10/C/08, CE&R report, item 2, Review of Medicines Legislation as he was representing the Heads of Schools of Pharmacy on the reference group.

**MINUTES OF THE LAST MEETING**

355 The minutes of the meeting held on 17 November 2010 were agreed as a true record of the meeting subject to the below amendments being made.

355.1 Minute 345.1 remove ‘not’ from the third line where it first occurs

355.2 Record that weather conditions prevented some members from attending the meeting.

**MATTERS ARISING AND OUTSTANDING ACTION POINTS**

356 Minute 338.3: Duncan Rudkin (DR) informed the Council that pharmacy technician registration and specifically the work experience requirements and the date of the start of training had been raised as a specific concern by a number of stakeholders. DR informed the Council that it was intended to report back on this to the Council in January.

357 Minute 347.1: Lesley Morgan said that the ‘standards for pre-registration tutors’ should be considered in relation to the timing of the start of the pre-registration programme, which was generally August.

358 Minute 183: Methadone exemption policy - it was agreed that this should be brought back to the Council in Spring 2011 and not Autumn 2011

**STRATEGIC PLANNING**
359 DR presented paper 12.10/C/01 requesting the Council to note and comment upon the proposed strategic planning approach for the next three to five years. DR asked the Council for their feedback on Appendix 1. DR would have expected the 2011-2012 business plan to be considered at this meeting but bearing in mind the rapidly changing external and internal environment the executive team needed further feedback on the strategic approach before developing the business plan. The aim was to bring the business plan to the Council in early 2011.

359.1 The Council welcomed the paper as a good and useful start and supported the emphasis on the importance of customer service. There must be a balance on the basics of what must be done and what the GPhC would like to do as a new, modern regulator. Horizon scanning was important and strategic plan must reflect what is planned from the governments. The document must be clear on national differences and the implications for the strategic plan.

359.2 The Council suggested a number of amendments to the Appendix for incorporation in a revised version that would be developed for further discussion and agreement by September 2011.

360 It was agreed that the draft strategic planning paper be noted and, following the suggested revisions, be used as background to the 2011-12 Business Plan, and for engagement with key stakeholders.

PERFORMANCE REVIEW FOR COUNCIL MEMBERS

361 Christine Gray (CG) introduced paper 12.10/C/02 asking the Council to consider options for a performance review process for individual Council members. CG informed the Council that two options were recommended for further development as a pilot.

361.1 The Chair explained that appraisal was an important tool to provide feedback when the Appointments Commission were considering re-appointing Council members. The Council agreed that there should be a form of appraisal for the Council Members that was robust and transparent. The Council discussed the benefits of an appraisal that was self-assessment with some form of 360° feedback involving senior staff and members, followed by a review with the Chair or Deputy Chair. The consensus was that this was the right way forward and should be initially be piloted by the Chair and the CE&R.

362 It was agreed that a 360° feedback and self assessment appraisal should be developed into a pilot

FITNESS TO PRACTISE
363 Hilary Lloyd (HL) introduced paper 12.10/C/03 updating the Council on the progress of the General Pharmaceutical Council (GPhC) in dealing with the review of all fitness to practise (FtP) cases inherited by the Council from the Royal Pharmaceutical Society of Great Britain (RPSGB) on 27 September 2010 (referred to as legacy cases) in accordance with the Just Disposal of Legacy Cases Policy (“the policy”) as agreed by the Council on 21 July 2010.

363.1 HL informed the Council that this first report back to the Council gave a flavour of what the Legacy Disposal Group (LDG) and Registrar had been able to review. It was not possible at this stage to give exact figures on the pre-Investigating Committee cases. The initial focus had been mainly on post Investigating Committee cases. The Council were informed that this process got off to a slow start but it had been important to ensure that the process was robust and transparent, and the process was now speeding up DR assured the Council that it was not suggested that the RPSGB had not dealt with cases correctly but the context had changed and review was therefore necessary: the threshold criteria were different, there was new legislation, new processes and new case law. DR informed Council that he considered it useful to ask CHRE to interest themselves in the process and to audit ‘little and often’, to help manage risk. The Council confirmed that they were satisfied that DR was fulfilling his responsibilities under the policy.

363.2 The Council agreed they would like to see more and better information on fitness to practise processes, timescales and outcomes and were assured that this would form part of the performance monitoring reports as soon as reliable information could be produced.

364 Council agreed to note the report and the progress which had been made in the handling of “legacy “cases

PERFORMANCE MONITORING

365 DR presented paper 12.10/C/04 on performance across registration and FTP functions.

365.1 Renewals: Hilary Lloyd (HL) reported to Council that the renewals process had largely been successful with:
- 97% pharmacists renewed
- 96.9% pharmacy technicians renewed
- 93.7% premises renewed.
A significant amount of work was being carried out to ensure that those who had not renewed were contacted before 17th December.
365.2 Registrations: HL informed the Council that the pharmacy technician registrations were of some concern as there was still a considerable backlog and the current date for clearing the backlog was Feb 2011. APTUK had been informed and were informing their members of the delay. HL informed the Council that over 40% of the applications were incorrect/incomplete and this had contributed to the backlog as individual applicants had to be contacted.

365.3 The Council expressed some disquiet over the backlog and although understanding the necessity to prioritise renewals felt this sent out the wrong message to new registrants. HL confirmed that options such as automation were being explored to increase the speed of processing of applications before the end of the grandparenting period for pharmacy technicians.

365.4 FTP: HL informed Council that she had hoped to be able to give them some more meaningful data. This had proved impossible as there were two data management systems that needed to be looked at and this had resulted in having to do a manual reconciliation to identify the status of cases. The Chair asked that the best available information be reported to Council in February.

365.5 Management Accounts: Bernard Kelly informed the Council that overall the GPhC was in a reasonable financial position.

366 The Council's noted the performance of registration functions, financial performance and progress towards developing the performance report.

SCHEDULE FOR REVIEW OF POLICIES

367. CG presented paper 12.10/C/05 asking the Council to consider a schedule for the review of former RPSGB policies adopted by the GPhC.

367.1. DR informed the Council that, although the review of the statutory committee competencies was not part of the remit of the Task and Finish Group on statutory committee appointments, the group would make recommendations on the process for reviewing these competencies, as part of the governance and performance of members. The timing for this would come out of the group’s report to the Council.

367.2 Hugh Simpson informed the Council that the review of the Methadone Exemption policy was part of the premises project along with a number of other issues. The Council felt this matter was more urgent and the policy should be reviewed in Spring 2011. The Chair suggested that further evidence was needed before the Council could review the policy. The Council agreed that there should be a situation report in April 2011.
367.3 The Council was not convinced that powers were needed under the Regulatory of Investigatory Powers Act (RIPA). It was agreed that this should be changed to discussion on whether the GPhC should seek these powers.

367.4 It was agreed that timing of the Student Code of Conduct and guidance should be reviewed as Sept 2012 could be too long since the RPS introduced the guidance.

367.5 The timing for the Standards of proficiency for pharmacist prescribers should also be reviewed.

368 Council agreed the schedule for review of former RPSGB policies should be amended as discussed

AUDIT AND RISK COMMITTEE UNCONFIRMED MINUTES

369 CG introduced paper 12.10/C/06 and asked Council to note the unconfirmed minutes of the Audit & Risk Committee (ARC). CG explained the process that the unconfirmed minutes would come to the Council meeting following the ARC meeting but the minutes will not be confirmed until the next meeting of ARC, this case in Feb 2011. Any significant changes to the minutes will be notified to Council at the next meeting. The Council were informed that this process would also apply to the Remuneration Committee minutes except where those minutes were confidential to the Committee.

370 The Council noted the unconfirmed minutes of the Audit & Risk Committee.

COUNCIL REGISTER OF INTERESTS

371 CG introduced paper 12.10/C/07 asking the Council to review the requirements for declarations by Council members in the register of interests, in the light of points which had been raised with the office.

371.1 Council discussed the paper and the points made in it and the consensus was that what was being asked for in the declaration of interests was not overly intrusive. It was generally agreed that although recognising the different views on what should be declared as a direct pecuniary interest and what should be declared in relation to close family, the right balance was being struck in a spirit of being a Council that is open and transparent.

372 The Council agreed:
   i. to note the concern which had been expressed about the declaration of direct pecuniary interests, and to make no change to the current policy or declaration template other than substituting ‘could be perceived as relevant to the GPhC’ for
‘regulated in any way by the GPhC’ in relation to direct beneficial interests or shareholdings in companies or other bodies;

ii. to adjust the requirements relating to non-pecuniary interests to cover unpaid office in, membership of, or involvement in organisations, associations or other bodies which are regulated in any way by the GPhC or whose activities could be perceived as relevant to the GPhC; and

iii. to note that the concern which had been expressed about close family interests was already adequately covered by section D of the current declaration form.

CHIEF EXECUTIVE & REGISTRAR’S UPDATE

373 DR presented the Chief Executive and Registrar report paper 12.10/C/08. In addition to the report DR informed the Council that Ministers had now announced the abolition of OHPA, subject to Parliamentary approval.

373.1 The Chair also informed the Council that a review of the regulation of public health professionals had been published.

373.2 DR informed the Council that staff were closely following the Review of Medicines legislation which was expected to include consideration of the decriminalisation of dispensing errors. The timing of any response to the formal consultation would be considered.

373.3 The Chair suggested that a monthly report of this sort should be sent to the Council members whether there was a business meeting or not.

374 The Council noted the report and agreed that it should be produced on a monthly basis.

There being no further business, the meeting closed at 4.50pm

Date of next meeting – 13 January 2011 - London