Minutes of the Council meeting held on 15 November 2012 at 129 Lambeth Road, London SE1 7BT at 10.00am

Present

Bob Nicholls - Chair        Tina Funnell
Cathryn Brown             Ray Jobling
Sarah Brown              Liz Kay
Celia Davies              Lesley Morgan
Soraya Dhillon            Keith Wilson
Gordon Dykes              Judy Worthington (from minute 701)
John Flook

In attendance

Duncan Rudkin (Chief Executive & Registrar)
Christine Gray (Head of Governance) - excl minutes 728-730
Francesca Chittenden (Council Secretary)
Hugh Simpson (Director of Policy and Communications) – excl minutes 728-730
Bernard Kelly (Director of Resources and Customer Services)
Claire Bryce-Smith (Interim Director of Inspection and Fitness to Practise) – minutes 695-709
Elaine Mulingani (Head of Associates and Executive Office) - excl minutes 728-730
Imogen Kelly (Associate Workers Development Co-ordinator) – minutes 713-714
Terry Orford (Head of Customer Services) – minutes 699-702 & 711-712
Vanda Thomas (Equality, Diversity and Inclusion Manager) – minutes 709-710

ATTENDANCE AND INTRODUCTORY REMARKS

The Chair welcomed everyone to the Council meeting including Martin Astbury, President of the RPS who would be observing the meeting.

Apologies for absence were received from Peter Wilson (Council Member).

DECLARATIONS OF INTEREST

All Members declared an interest in item 13 – GPhC Expenses Policy.
MINUTES OF THE LAST MEETING

697  The minutes of the meeting held on 13 September 2012 were agreed as a true record of the meeting.

MATTERS ARISING

698  Minute 674-675 – The Chair reported that the Strategic Plan was laid before Parliament and the Scottish Parliament on 29 October 2012.

698.1  Minute 676-680 – In response to a Member question regarding the concerns expressed about potential self-selection of pharmacy medicines, Duncan Rudkin (DR) provided a verbal update on progress in the area. He reported that a structured programme of activity was underway covering all aspects of transition to prepare for the full implementation of the registered pharmacy standards. He reported that in relation to all aspects of the new standards there would be an extensive round of engagement with all stakeholders and a comprehensive communication plan put in place.

In addition the Chair reported that a further letter from the Royal Pharmaceutical Society (RPS) had been received welcoming the approach to outcome based standards and the emphasis on professionalism but reserving the view that self selection was not a safe option. The Chair confirmed that the Council was committed to implementation of the standards in a way that maintained public protection.

698.2  Minute 680-682 – Hugh Simpson (HS) reported that work on the registrant survey had begun and support had been secured from an expert consultancy. It was expected that the survey would be concluded and a review prepared before the end of the financial year.

PERFORMANCE MONITORING

699  Duncan Rudkin (DR) introduced paper 11.12/C/01 and highlighted the key points set out. With regard to Fitness to Practise DR outlined that progress had been made in relation to the timeliness of investigations and case management but that the target of case closure in 15 months was not yet being met. He highlighted that the budget and resources allocations would be considered in moving towards meeting this target and that even once the deadline had been met the GPhC would continue to explore scope for improving timeliness and identifying causes of delay.

699.1  Terry Orford (TO) provided the Council with the latest registration renewal statistics for pharmacists, pharmacy technicians and pharmacy premises which were very promising. He confirmed that in all instances where registrants had not renewed, letters had been sent out to the relevant
individuals and removal notices would be issued in December. In response to a member query TO confirmed that communications had emphasised that those who were voluntarily leaving the register should complete the voluntary removal form. Letters were also being sent to owners and superintendent pharmacists where premises registration had not been renewed.

699.2 In response to a member query regarding the registration assessment survey, TO confirmed that where areas for improvement had been identified, actions had been taken to address them. Members welcomed that there had been flexibility in terms of accommodating requests for adjustment.

699.3 In relation to section 2 of the report the Council requested data in regard to the submission and quality of Continuing Professional Development (CPD) records. Council also agreed to look in more detail at the CPD review process when reviewing the organisation’s corporate plan and budget.

699.4 Council Members debated the presentation of information within the report and requested further detail/explanation in certain areas of the report, such as inspection and sources of fitness to practise allegations.

700 The Council noted and commented on the performance monitoring report.

PERFORMANCE MONITORING REPORTS – FUTURE INDICATORS

701 DR introduced paper 11.12/C/02; reminding Council that the proposals set out had been developed following informal discussion with managers and a group of Council Members.

701.1 The Council noted the importance of accessing data that the GPhC already had rather than requesting data that would require additional resources to collect. Following on from this it was proposed that moving forward it would be useful to make a distinction about what required special reporting and therefore, additional resources to collect.

701.2 The Council requested that pre-registration data and information on compliance with aspects of registration processes be included in future performance monitoring reports. DR confirmed that traffic light reporting, setting out progress against corporate plan objectives would be included in future performance monitoring reports.

702 The Council agreed:
- the approach to performance monitoring as outlined in the paper, subject to minor additions as set out above, and;
- the appendix as the Council’s current specification for performance monitoring and for further work to develop the reporting.

STRATEGIC REVIEW OF RISKS

703 DR introduced paper 11.12/C/03 and highlighted that the completion dates of some of the risks set out were arbitrary in the sense that they were not risks that were ever expected to disappear. Council noted that the inclusion of such risks provided assurance that mitigating actions were in place and would be reviewed and adjusted as required.

703.1 DR drew Members’ attention to two risks which the Audit & Risk Committee (ARC) had identified as requiring review and were highlighted in the minutes of ARC meeting paper which was later on the agenda. He reported that detailed papers on the two issues (Information governance and risks around statutory committee decisions) had been or would be going to the Committee to provide further assurance.

703.2 A member queried whether it would be appropriate for the Council to have sight of the full risk register. In conclusion the Council felt the process currently in place, whereby the ARC reviewed the register and provided assurance to the Council was sufficient.

703.2 The Council discussed a range of potential risks and were reassured to hear that the majority of areas for concern had been addressed. In response to a member query John Flook (JF) confirmed that thought had been given to the potential risks which may arise from the Francis inquiry on the Mid-Staffs Foundation Trust and that the Committee had acknowledged that risks would need to be reviewed following publication of the inquiry report.

703.3 The Council welcomed the assurance that the risk management process was becoming embedded in the organisation.

704 The Council discussed and noted the risk review.

REVIEW OF THE COUNCIL’S PERFORMANCE AS A GOVERNING BODY

705 BN introduced paper 11.12/C/04 and highlighted the key points set out.

705.1 The Council requested further detail on the next steps in terms of
developing the priorities which were set out in the review. BN advised that the Council would have the opportunity to look at this in more detail at the December Council workshop but asked Council to note that the priorities had to be identified and a steer given to the Executive team.

705.2 The Council debated the effectiveness of the GPhC’s communication and engagement with patients and public and looked at ways of improving this and increasing the transparency of the work of the GPhC. In noting the importance of engagement with this particular stakeholder group the Council requested further work on the issue.

705.3 In response to a Member request it was agreed that the Council needed to improve on its review of all education policies, not particularly in relation to the pre-registration programme. (Para 2.3, 5th bullet).

706 The Council confirmed its review of its performance as a governing body and the next steps.

DRAFT AMENDMENTS RULES – CONSULTATION REPORT

707 Christine Gray (CG) introduced report 11.12/C/05 and reminded the Council that the amendments related largely to the statutory committees and were intended to enable more efficient working while maintaining quality of outcomes.

707.1 CG informed Council that the consultation closed in July 2012 and that the proposals had been broadly supported with positive responses.

707.2 In response to a Member query HS informed the Council that work on indicative sanctions was underway and undertook to provide the Council with an update on this workstream. Council requested that the wording be adjusted to reflect that the Council will consult on substantive changes to Indicative Sanctions Guidance.

708 The Council:
- approved the draft report of the Consultation on Draft Amendments to Rules for publication, and,
- made the General Pharmaceutical Council (Amendment of Miscellaneous Provisions) Rules 2012 – and
- agreed that the GPhC’s corporate seal be affixed to these rules.

EQUALITY SCHEME

709 Elaine Mulingani (EM) introduced paper 11.12/C/06 and reminded the
Council that to date work had been focused on embedding the principles of EDI within the organisation and establishing a base for further work.

709.1 In response to a Member question EM confirmed that sufficient resources were in place and all actions set out in the action plan had been achieved. She added that designedly, a gradual approach was being taken to ensure that the correct decisions were taken in determining workstreams. EM also confirmed that communication lines to the CE&R were in place.

In response to a Member concern EM assured the Council that the reference group was mainly external and formed of individuals with a range of protected characteristics. In regard to a particular concern EM confirmed that to ensure the best representation she and her team were taking steps to reach those who in hard to reach areas and communities.

709.2 In response to a further query Vanda Thomas (VT) informed the Council that senior staff had been trained to undertake Equality Impact Assessments (EIA) and that a guidance note and tool kit had been developed to assist in ensuring the most appropriate EIAs are completed. VT undertook to circulate an example of a completed EIA to the Council.

710 The Council agreed the Equality Scheme for 2012-14 and noted the accompanying action plan.

EMERGENCY REGISTRATION

711 DR introduced paper 11.12/C/07 and circulated an additional appendix 3 to the paper which made more visible the changes proposed. DR reminded Council that the most important change had arisen from the fact that one of the categories of individuals included in the current policy no longer existed, by virtue of the passage of time ie. former RPSGB non-practising registrants off the register for less than two years.

711.1 In response to a Member query TO informed the Council that the proposed changes would reduce the numbers of individuals who could be registered in the case of an emergency, but that the figure of circa. 4600 did exclude the possible registration of pharmacy technicians as pharmacists.

711.2 DR undertook to inform the Chief Pharmaceutical Officers for England, Scotland and Wales of the changes.

711.3 The Council agreed that it would not be necessary to review the policy in 2013 and agreed to review the policy in two years’ time.
The Council agreed the revised list of persons who may be registered with the GPhC on a temporary basis in the event of an emergency involving loss of human life or human illness until the next review.

RENUMERATION OF ASSOCIATE WORKERS

Elizabeth Kay (EK) introduced paper 11.12/C/08 and highlighted the rationale which led to the recommendations set out.

In response to a member question Imogen Kelly (IK) confirmed that the recommendation to introduce the option to hold some Investigating Committee meetings by telephone was to increase efficiency and reduce delays. She confirmed that the dates / timings of the telephone meetings would be scheduled to suit those involved and that Investigating Committee members were paid a reading fee.

EK confirmed that in delaying the review the Remuneration Committee had acknowledged the risk of potentially having to increase remuneration levels for associate workers more substantially than would have been expected in future, but that the recent recruitment drive and benchmarking figures outweighed this risk.

The Council agreed the following recommendations from the Remuneration Committee:
- not to increase any associate worker remuneration rates at the current time
- to introduce an hourly remuneration rate for Investigating Committee members, equivalent to $\frac{1}{7}$th of the daily rate; and
- to review associate worker fees at the September 2013 meeting and then every two years subsequently.

GPhC EXPENSES POLICY

EK introduced paper 11.12/C/09 informing the Council that the policy continued to be broadly in line with other regulatory bodies and therefore no major changes were proposed.

In response to a member query EK confirmed that the breakfast allowance would not apply to employees travelling to their normal place of work but that it would apply to those travelling on GPhC business where no overstay was involved and the journey involved an early start.

The Council acknowledged that occasionally it was sometimes possible to secure first class rail tickets which were lower in cost than standard class travel but that it was preferable to be clear that standard class travel was the norm.

Following recommendation from the Remuneration Committee the Council agreed a proposed amendment to the wording of the expenses policy in relation to first class travel, and the inclusion of an
allowance for breakfast when travelling as set out in paragraph 1.4 of the paper.

CASH MANAGEMENT POLICY

713 BK introduced paper 11.12/C/10 which had been developed following Council’s agreement of the principles in June 2011 and advice from Deloitte.

713.1 In response to a Member question BK confirmed that as part of the annual audit of internal financial controls the internal auditors would look at compliance with the policy.

713.2 In response to a further Member question BK clarified that the policy would only allow investments to be made in investment grade instruments and that funds would not be invested in a leveraged money market fund.

713.3 It was agreed that consideration would be given to the ethical standing of investment institutions that were being considered.

714 Council agreed the implementation of the cash management policy.

REPORTING STANDARD FOR ANNUAL REPORT AND ACCOUNTS

715 John Flook (JF) introduced paper 11.12/C/11 which had been developed to assist the ARC provide assurance to Council on the review of the Annual Reports & Accounts. He confirmed that the ARC commended the proposal which was appropriate for an organisation of this size and type. He also confirmed that both the external and internal auditors also welcomed the proposed standard.

715.1 Following a brief discussion it was agreed that all GPhC Associate workers whose remuneration falls under the remit of the Remuneration Committee should be listed on the website. It was also agreed that a list of accredited degree courses and approved pharmacy technician courses be published on the website.

715.2 It was also agreed that further consideration be given to the inclusion of a statement covering environmental policy / social responsibility in light of a staff initiative on the topic which was being developed.

715.3 In response to a member query BK confirmed that a statement on the reserves policy and information on employee pensions would be included in the accounts and financial statements as a part of the GAAP reporting
requirements. With regard to the statement at para 4.0 (4th bullet) BK undertook to revise the wording of this statement to make it clearer that the Chief Executive & Registrar would confirm that a review of internal control had been undertaken and report on and highlight any issues the internal auditors identified in their work looking at this.

716 Council agreed the draft reporting standard for the annual report and accounts.

AUDIT AND RISK COMMITTEE UNCONFIRMED MINUTES

717 JF introduced paper 11.12/C/12 and DR provided a brief summary of the discussion held at the ARC meeting.

718 The Council:
- noted the unconfirmed minutes of the Audit & Risk Committee meeting held on 11 October 2012

REMUNERATION COMMITTEE UNCONFIRMED MINUTES

719 EK introduced paper 11.12/C/12. She drew the Council’s attention to the decision taken by the Remuneration Committee to postpone the review of remuneration for the Chair of Council, Council Members and committee Chairs to February 2013 and set out the rationale behind the decision.

720 The Council noted the unconfirmed minutes of the Remuneration Committee meeting held on 27 September 2012 and the decisions taken at that meeting.

CHIEF EXECUTIVE & REGISTRAR’S REPORT

721 DR introduced report 11.12/C/14 and updated Members on a number of items which had risen to prominence since the paper had been written. The update informed members of the following:
- that on 26th November the CHRE (which would become the PSA on 1 December) would be publishing their Efficiency and Effectiveness report and that this would formally be reported to Members, with management comments, at the February meeting.
- that the CHRE had published Standards for executive and non-executive members of NHS Boards and Clinical Commissioning Group governing bodies in England. The standards would be considered when developing the Council Member Behavioural framework.
- that the UK Chief Pharmaceutical Officers had issued a public statement on exploratory work with professional and regulatory bodies in pharmacy on the balance of medicines legislation and statutory independent professional regulation. This work is linked to MHRA work to scope a review of sanctions and penalties and GPhC had been in touch to seek early involvement with this.

721.1 As an addition to appendix 2 DR informed the Council that the GPhC would also be responding to the Healthy living and Social care theme red tape challenge consultation.

722 The Council noted the report.

COUNCIL BUSINESS SCHEDULE

723 BN introduced paper 11.12/15 which stemmed from the Council’s request at their workshop in October to have a greater awareness of forthcoming Council business.

723.1 CG reiterated that the schedule was subject to change.

724 The Council noted the proposed business schedule for the period December 2012 to April 2013.

ANY OTHER NOTIFIED BUSINESS

725 There being no further public business, the public meeting closed at 2.35 pm.

CONFIDENTIAL BUSINESS

REVIEW OF MEETING

726 The Council reviewed the workshop which had been held the previous meeting and the Council meeting.

DECLARATIONS OF INTEREST

727 There were no declarations of interest.

AUDIT AND RISK COMMITTEE – UNCONFIRMED MINUTES – CONFIDENTIAL SESSION

728 JF introduced the minutes of the confidential session of the ARC committee meeting held on 11 October 2012.
The Council:
- noted the draft minutes of the confidential session of the meeting of the Audit & Risk Committee meeting on 11 October 2012; and;
- agreed to consider the need for the reporting of special payments in the future.

There being no further confidential business the meeting closed at 3.10pm.

Date of next meeting – 7 February 2013 - London