Strategic response to devolution

Purpose
To agree a strategy that will ensure pharmacy continues to be regulated in a way which is responsive to devolution and the increasing divergence in pharmacy services between Scotland, England and Wales.

Recommendations

The Council is asked to agree

1. The updated devolution strategy set out in Appendix 1

1.0 Introduction

1.1. Council has already endorsed the principle that pharmacy regulation must be responsive to, and reflective of, developments in England, Scotland and Wales.

1.2. In October 2012 Council approved a strategic response to devolution for the first two years of GPhC operation. Since then Directors for Scotland and Wales have been appointed to lead the GPhC’s presence in Scotland and Wales and support the Council’s commitment to ensuring we regulate in a way which reflects the local context across Great Britain.

1.3. Differing developments in England, Scotland and Wales are likely to include changes in legislation for which the Scottish Parliament and Welsh Assembly have competency, as well as changes in professional working practices as well as the variety of patient and public involvement structures across the United Kingdom.
1.4. Political and policy debates, specific to Scotland and Wales will continue to influence our work locally as well as inform our overall approach to regulation.

1.5. In Scotland, the independence debate currently dominates the political landscape and is likely to do so at least until the Referendum in 2014. It should be noted that there is cross party support in Scotland for UK-wide (or GB-wide in the case of pharmacy) health professions regulation.

1.6. The Commission on Devolution in Wales was set up in October 2011 to consider whether the devolution settlement for Wales should be amended to better serve Wales within the United Kingdom. Any changes adopted could have implications for the way in which healthcare is delivered in Wales and a consequential impact on our own work.

1.7. The Welsh Assembly and Scottish Government both recently held reviews into the provision of pharmacy services in the community which are likely to result in further divergence for the way pharmacy is practised across Great Britain. Similarly, the GPhC will need to engage with key decision makers across Great Britain in relation to any amendments to the funding and structure of pharmacy education.

1.8. An updated strategy (Appendix 1) has been developed to ensure that the way we engage and regulate continues to identify and reflects these divergent policies and that we understand the needs of all key interest groups in pharmacy across the UK.

1.9. The Council is also required to have at least one person on the Council who lives or works wholly or mainly in each of the three participating countries to help ensure regulation reflects the differences in health service delivery in England, Scotland and Wales.

2.0 **Key Considerations**

2.1 The revised devolution strategy is set out in Appendix 1.

2.2 We will continue to work with other regulators in Scotland and Wales including the health professional regulators who have a local presence.

2.3 We will monitor current arrangements and keep these under review to ensure cost effectiveness and will retain flexibility to enhance our presence if required.

2.4 We will also continue to closely monitor, contribute and respond to developments in health and public policy in England, Scotland and Wales and will continue to
develop arrangements for collaborative working with relevant country specific regulatory and public bodies.

3.0 **Equality and diversity implications**

3.1 The development of a devolution strategy has a number of implications for equality and diversity.

3.2 Engaging effectively with all key interest groups across the UK and having policies reflective of the differences in health care delivery and pharmacy practice is critical to the GPhC’s commitment to equality and diversity.

3.3 Consulting effectively with patient groups and others in a way that ensures accessibility, for example through the Welsh Language Scheme, will also support equality and diversity.

4.0 **Communications implications**

4.0 A significant part of the devolution strategy focuses on the requirement to communicate effectively with key audiences across the UK.

5.0 **Resource implications**

5.1 Resource implications associated with engaging effectively in Scotland and Wales have been accounted for in current budget models.

6.0 **Risk implications**

6.1 Failure to engage effectively in all countries of the UK where the GPhC is the competent authority carries significant risks, both in terms of a potential failure to develop appropriate regulatory policy consistent with legislative requirements locally and also in terms of reputation risk.

6.2 The way that pharmaceutical services are being delivered in Wales, Scotland and England is increasingly diverging, we need to ensure this is taken into account during policy development to ensure the way we regulate is fit for purpose in all areas under our jurisdiction,

**Recommendations**

**The Council is asked to agree**

i. **The updated devolution strategy set out in Appendix 1**
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Strategic response to devolution 2013-2016

1.0 Introduction

1.1 The General Pharmaceutical Council (GPhC) is the independent statutory regulator for pharmacists, pharmacy technicians and registered pharmacies in Great Britain. It is our job to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmaceutical services in England, Scotland and Wales.

1.2 The GPhC was established in 2010 and our role is prescribed under the Pharmacy Order 2010. This document sets out our strategy for 2013 to 2016 to ensure pharmacy regulation is responsive to devolution in Scotland and Wales.

2.0 Our Purpose

2.1 We will protect and promote the health and safety of patients and the public by assuring the maintenance and development of safe and effective pharmacy practice in Great Britain. We will also contribute to the continued development of trust and confidence in pharmacy by patients and the public and other health professionals.

3.0 Devolution and regulation

3.1 As a statutory regulatory body we work within the remit of our legislation and the relevant legal and political context. It is not for the Council to have a political position on devolution, however it is our responsibility is to provide effective regulation taking into account the current devolved settlement and any further developments in devolution.

3.2 The way health services are arranged and delivered in England, Scotland and Wales is changing. We must reflect and respond to developments in different parts of Great Britain and have appointed directors in Scotland and Wales to support our commitment to regulating in a way that reflects the local context across Great Britain.

3.3 The General Pharmaceutical Council does not have regulatory responsibility in relation to Northern Ireland. Any change to this situation is a matter for the Northern Ireland Assembly. We will continue to work closely with the Pharmaceutical Society of Northern Ireland and engage with colleagues in Northern Ireland and the Department for Health, Social Services and Public Safety on regulation and safety issues of interest across the UK. We have agreed a Memorandum of Understanding with the Pharmaceutical Society of Northern Ireland, which sets out how the two regulatory bodies work together to achieve common goals.

4.0 Our values and approach to regulation

4.1 We aim to secure the confidence of patients, the public and pharmacy professionals by being a healthcare regulator that demonstrates effectiveness and efficiency and
supports innovation in delivering its functions. We will ensure that our values are at the heart of everything we do and as a regulator we will endeavour to:

(a) be focused on improvement  
(b) be responsive to change  
(c) develop policies that are inclusive  
(d) be independent and fair  
(e) demonstrate respect for others  
(f) ensure that regulation is proportionate

4.2 As a Council, we have adopted the Nolan principles of public life and have undertaken to apply these in exercising our role as a governing body.

4.3 You can find out more about our equality and diversity scheme by clicking here: http://pharmacyregulation.org/about-us/organisation/equality-diversity-and-inclusion

5.0 Living up to our values in the context of devolution

5.1 Our focus on improvement means that we aim to ensure that our standards and the ways in which we use our regulatory powers keep pace with changes in pharmacy practice, recognising that the ways in which services are organised and delivered is increasingly diverging in different parts of Great Britain.

5.2 We will be responsive to change in the needs and expectations of patients and the public in different parts of Britain, and to changes in pharmacy, or in pharmacy education, which may be specific to a particular country of Great Britain.

5.3 We will develop policies that are inclusive of people who work and live in all types of communities and locations throughout England, Scotland and Wales. We will not assume that one particular population’s experience of pharmacy is identical to another’s.

5.4 We recognise and appreciate the different roles and responsibilities of the UK Parliament and Government; the Scottish Parliament and Scottish Ministers; the Welsh Assembly and Welsh Ministers, and their respective health departments. As an independent and fair regulator, we operate independently of government bodies, within the legal framework established through the parliamentary process. We also operate independently of pharmacy professionals and pharmacy owners. We understand that fairness does not always mean treating people in the same way, if circumstances are different, as they may be in different parts of Great Britain. Process may vary; we seek consistency of outcome in terms of public safety and standards.

5.5 We will demonstrate respect for others by being thoughtful about the language we use and by working to appreciate the differing experiences, concerns and aspirations of people in different parts of Great Britain. We have in place a Welsh Language Scheme that recognises the cultural and linguistic needs of the Welsh speaking public.

5.6 Our commitment to making sure regulation is proportionate includes a recognition that the costs and benefits of regulatory requirements are affected by the context in which pharmacy services are delivered, which may vary according to location. Proportionate regulation also means our ensuring that the costs of implementing our devolution
strategy are themselves kept in proportion to the benefits and costs of all our regulatory and corporate activity.

6.0 What we will do

6.1 Consistent with our Council’s Strategic Plan (http://www.pharmacyregulation.org/strategic-plan-2013-2016), during 2013-2016 we will focus on three key themes in the context of devolution:
(a) Delivering effective regulation
(b) Communicating and engaging effectively with key stakeholders
(c) Anticipating and responding to developments in pharmacy and healthcare

6.2 These themes will be supplemented by a programme of activity to ensure:
   i. We engage with key audiences in Scotland and Wales on regulatory standards and key policy initiatives from the GPhC.
   ii. We will contribute to discussions and policy initiatives locally to ensure that the regulatory perspective is considered. This will be done by ensuring we use our local presence to engage in a wide range of activities including seminars, conferences and initiatives from, amongst others pharmacy and patient groups.
   iii. We will seek to maintain and facilitate dialogue with ministers, departmental officials and senior official levels in Scotland and Wales as well as the UK government.
   iv. We will ensure that we engage fully with elected representatives in the Scottish Parliament and Welsh Assembly in relation to the work of the GPhC and contribute to debates where we may be able to assist.
   v. We will continue to develop arrangements for collaborative working and information sharing with relevant country specific regulatory and public bodies to prevent duplication of regulation and avoid regulatory gaps across Great Britain.

6.3 Ensuring we engage effectively with key interest groups across Great Britain is a priority for the GPhC. We will continue to review our activities and presence in Scotland and Wales as we establish ourselves further.