Minutes of a Council Meeting held on 16 June 2010 at 129 Lambeth Road, London SE1 7BT at 11.00am

Present

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

In attendance

Duncan Rudkin (Chief Executive & Registrar)
Christine Gray (Head of Corporate Governance)
Caroline Rose (Interim Corporate Support Manager) (Minutes)
Bernard Kelly (Director of Resources and Corporate Development)
Elaine Mulingani (Head of Private Office)
Priya Sejpal (Acting Head of Regulatory Standards, Policy & Ethics) (mins 141 to 196)
Stuart Heaney (Stakeholder Liaison Manager. RPSGB) (mins 155 to 185)
Seth Davies (Head of Regulatory Operations) (mins 186 to 188)
Margaret Morgan (Communications Manager)
Emma Beals (Communications Manager)

ATTENDANCE & CHAIR’S INTRODUCTORY REMARKS

125. The Chair welcomed Council members, staff and members of the public and press to the meeting.

126. Apologies had been received from Keith Wilson.

127. The Chair reminded members of the public and the press that electronic recording of the meeting was not allowed without prior authority in accordance with the Standing Orders.
128. The Chair reported that the Rules that the Council had made at the meeting on 3 June 2010 together with the Transfer Order agreed with the RPSGB had been forwarded to the Department of Health for them to seek the necessary ministerial approvals.

129. A Memorandum of Understanding had been agreed with the RPSGB in respect of Duncan Rudkin’s acting as the Society’s Registrar for a temporary period from 1 July 2010 when the current Registrar would be leaving the post.

130. The Chair reported that Celia Davies would be the GPhC observer on the National Reference Group for Healthy Living Pharmacies and the Public Health Leadership Forum and thanked her for agreeing to take on this role.

131. The Chair also reported that Sarah Brown and Peter Wilson had taken questions at the National Pharmacy Association forum about its Lightening the Load (burden of administration) project.

132. Tina Funnell had attended the Patient Involvement and Empowerment conference on May 11 and the RPSGB Patient Liaison Group meeting on 25 May. The Chair thanked her for her involvement and for a useful note that she had sent to members.

133. The Chair would be meeting officers of the RPSGB Welsh Pharmacy Board the following day. He would also be attending a local practice forum. On 18 June, the Chair would be speaking at the Association of Pharmacy Technicians UK conference in Cheshire which Lesley Morgan and Duncan Rudkin would also be attending.

134. The Chief Executive reported that the Director of Regulatory Services (Hilary Lloyd) and the Director of Policy & Communications (Hugh Simpson) had been appointed and would start at the GPhC in July and September respectively.

**DECLARATIONS OF INTEREST**

135. The Chair asked members whether they had any interests to declare in respect of the agenda items for this meeting. The following interests were declared:

135.1. Lesley Morgan had contributed to the work on the standards for the initial education and training of pharmacy technicians;

135.2. Peter Wilson had contributed to the existing standards for continuing professional development;

135.3. Liz Kay declared that she was the chair of a group which had contributed to the standards consultation; and
135.4. Ray Jobling declared that he had contributed to the development of the draft standards.

136. The Chair announced that where members’ involvement had been minor, they could contribute to discussion and decision making but in other cases they should not take part in the discussion or decision making.

MINUTES OF THE LAST MEETINGS

137. The minutes of the meeting held on 19 May 2010 were agreed as a true record.

138. The minutes of the meeting held on 3 June 2010 were agreed as a true record.

MATTERS ARISING

139. Minute 76: It was noted that a target operational date had now been agreed for September 2010.

140. Minute 84: It was noted that the short life communications task & finish group had been established and would be meeting in June.

GPhC VISION AND STRATEGY

141. Paper No. 06.10/C/02 was presented by Duncan Rudkin. DR reminded members the original version of this paper had been seen by the Council in May and reported that it now included revisions suggested by members at that meeting.

142. At 3.3 it was noted that the link should be to the equality & diversity “scheme” not “policy” but that it would be brought to a future Council meeting for approval. It was noted that the link at 3.4 had not yet been created and that, although not a policy, members would be asked to assist with quality control of that document.

143. At 5.1(e) the addition of the word “premises” after “retail pharmacy” would clarify the scope of the Council’s regulatory jurisdiction.

144. Members asked that the phrase “first couple of years of operation” in paragraph 1.2 be replaced by “during the first two years of operation”.

145. Members requested that attention should be given to the style and presentation of the document.
146. **It was agreed that:**

146.1. subject to minor amendments as agreed, the draft vision and strategy document would be adopted for the first two years of GPhC operation; and

146.2. the document would be circulated to stakeholders with a view to engaging them in its further development.

**CODE OF CONDUCT AND STANDARDS OF EDUCATION & TRAINING AND ATTENDANCE**

147. Christine Gray presented the Code of conduct and standards for education & training and attendance for Council and non-employee decision makers (Paper No. 06.10/C/03).

148. The Council asked that the code of conduct and the two standards made it clear to whom they applied, i.e. Council members and other non-employees involved in regulatory functions. It was agreed that the word “associate” would be used to describe the non-Council members covered and this term would be defined within the code and standards.

149. The Council asked that reference to the Nolan principles should be included in the code of conduct. It was noted that the Council had previously agreed to be bound by the Nolan principles as part of the Council’s values.

150. The Council asked that in paragraph 7 of the code of conduct at Appendix 1, it should be clarified that collective responsibility applied in respect of all decisions of a body of which the person concerned was a member but did not apply in respect of decisions of other bodies within the GPhC of which they were not a member. It was also confirmed that members of the Council or a committee or working group were collectively responsible for its decisions even if they voted against a particular decision, abstained from voting or were absent.

151. In respect of the standard of attendance at meetings at Appendix 2 it would be clarified that in order to be deemed to have attended a meeting, members would need to attend for half the duration of a meeting.

152. The Council asked for provision to be added to allow discretion in applying the consequences of failure to comply with the standard of attendance where non-attendance was unavoidable, for example in cases of absence due to ill-health.

153. Council members discussed the requirement to complete their continuing development plan in the standards of education & training and concluded that this was separate from the continuing professional development record of
registrants (in the case of registrant members), although there could be some common content.

154. **It was agreed that:**

154.1. the draft code of conduct at Appendix 1 was approved subject to amendments as agreed and final review by the Chair;

154.2. the draft standard for attendance at meetings at Appendix 2 was approved subject to amendments as agreed and final review by the Chair; and

154.3. the draft standards for education and training at Appendix 3 were approved.

**STANDARDS CONSULTATION REPORT AND APPROVAL OF STANDARDS**

155. Priya Sejpal introduced Paper No. 06.10/C/04. PS reminded Council members that the standards had been consulted upon between 15 April and 28 May 2010. The GPhC’s draft response to consultation was contained in Appendix 1 and the revised four sets of standards were contained in Appendices 2 to 5 (incl.). PS reported that there had been 86 responses to this consultation and that in general there was satisfaction with the proposed standards.

156. It was reported that some respondents felt that the standards concentrated on pharmacists in patient facing roles and this excluded other pharmacists. The point was made that the Pharmacy Order explicitly makes provision for all pharmacists including those in non-patient facing roles who were still required to put patients at the heart of their professional activity. It was agreed that communication should be addressed to clarify that the standards applied to all registrants, whatever their scope of practice.

157. Guidance on how the standards applied to professionals in practice would be drafted and this would be indicated in communications with registrants.

**Appendix 1: Report on the responses to the consultation on the revised draft standards**

158. Council members discussed the sentence “Monitor pharmacy professionals’ fitness to practise and deal firmly and fairly with complaints” in the introduction to the Report. It was agreed that word “firmly” would be replaced by the word “proportionately”.

159. The numerical analysis of the results would be amended to show that the percentages indicated were percentages of the number who responded to each question, and not of the total number who had responded to the consultation as a whole.
160. Council members were keen to ensure that all groups had been reached in the consultation process including groups that contained a mix of stakeholders such as registrants, patients and the public.

161. **It was agreed that** the Report on the responses to the consultation on the revised draft standards was approved subject to drafting amendments.

*Appendix 2: Standards of conduct, ethics and performance*

162. It was noted that the conscientious objection clause would be reviewed during the first 12 months of operation.

163. **It was agreed that** Standards of conduct, ethics and performance were approved subject to drafting amendments.

*Appendix 3: Standards for continuing professional development*

164. PS explained that this was based on the RPSGB standard. It was an interim standard to be put in place before more detailed standards were agreed.

165. It was noted that the words “Plan and Record” derived from the existing standard and it was agreed that these should be italicised to make it clear they had a specific meaning.

166. **It was agreed that** Standards for continuing professional development were approved subject to drafting amendments.

*Appendix 4: Standards for pharmacy owners and superintendent pharmacists of retail pharmacy businesses*

167. It was noted that the name of the Standards for pharmacy owners and superintendent pharmacists of retail pharmacy businesses had been changed from Standards for pharmacy owners, superintendent pharmacists and pharmacy professionals in positions of authority. There had been broad support for this from respondents.

168. PS explained that the reference in these standards to pharmacy professionals in positions of authority had been removed because the Pharmacy Order made no specific reference to them. The Order was clear that the coverage of the standards included persons carrying on a retail pharmacy business at a registered pharmacy who may not themselves be pharmacists, in the case of bodies corporate.
It was agreed that Standards for pharmacy owners and superintendent pharmacists of retail pharmacy businesses were approved subject to drafting amendments.

Standards of education and training for pharmacists

It was agreed that the current RPSB education standards and procedures for pharmacists would be adopted until new standards had been approved. The new standards would be consulted upon towards the end of 2010.

Appendix 5: Standards for the initial education and training of pharmacy technicians

Stuart Heaney reported that the standards for the initial education and training of pharmacy technicians would roll over the existing RPSGB standards until new standards had been developed and consulted upon towards the end of 2010.

It was agreed that Standards for the initial education and training of pharmacy technicians were approved.

FUTURE STANDARDS DEVELOPMENT REPORT CONSULTATION REPORT AND APPROVAL OF STANDARDS

Duncan Rudkin presented Paper No. 06.10/C/05. It was explained that the standards development programme was a programme of work for getting from day 1 of GPhC regulation to the position of having a comprehensive suite of new, GPhC-owned, Pharmacy Order-derived, non-transitional, non-interim standards in place.

DR continued that there were two alternative approaches to achieving a comprehensive set of GPhC standards. One was to begin work directly on developing the standards. The second was to implement a preliminary stage which would involve creating the GPhC Standards Policy and that was the recommended approach.

The Council welcomed the recommendation. Members expressed their desire to have a framework showing the status of the standards and links with those of other stakeholders. It was recognised that there was a whole range of issues to be tackled and that the recommended framework would be a useful guide for the work and would improve the understanding by staff and Council members of the process.

Members noted that, in the interests of improving efficiency, the critical stakeholders should be identified from the start of standard development work.
Members also asked that the triggers for standards development, for example, patient surveys, would need to be carefully identified. There needed to be a hierarchy of stakeholders identifying those critical to the process and consideration given to the breadth of persons and organisations, both professional and public, to be consulted about each standard.

177. It was acknowledged that Council’s role in assisting in standards development work outside of Council meetings needed to be clearly defined; Council did not want to have an intermediate steering group consisting of Council members, which would risk reducing the authority of the Council as a whole to approve any consultation documents and final standards. Members agreed that their role was to approve the final documents after ensuring that the development and consultation process was sound, monitoring the process and ensuring the policy was complied with.

178. It was agreed that:

178.1. the proposed development of a standards policy would proceed in parallel to work on developing standards;

178.2. the outline framework at Appendix 2 was approved subject to development; and

178.3. the indicative overview of the work programme at Appendix 3 was noted.

Extemporaneous Preparation of Methadone

179. Priya Sejpal introduced Paper No. 06.10/C/06 which asked the Council to consider an exemption to the approved standard 4.10 of the standards for pharmacy owners and superintendent pharmacists of retail pharmacy businesses.

180. PS explained that the standard would be reviewed at an early opportunity and that this exemption was required for the duration of the interim standard. Council members requested that an early review of the exemption be carried out as a matter of priority, including a fact-finding exercise to establish practice by registrants, so that the potential impact of the removal of the exemption could be evaluated.

181. It was agreed that:

182. an exemption to standard 4.10 of the standards for pharmacy owners and superintendent pharmacists of retail pharmacy businesses to enable the extemporaneous preparation of methadone was approved; and
183. an early review would be carried out with a view to the possible removal of this exemption as part of the consultation on the future standards for pharmacy owners and superintendent pharmacists of retail pharmacy businesses.

**EMERGENCY REGISTRATION POLICY**

184. Stuart Heaney introduced Paper No. 06.10/C/07 which asked Council to agree a revision to the emergency registration policy. It was noted that the Council had been presented with the policy at its April meeting and had requested that the policy should be clear about the order in which the groups identified may be registered during an emergency. The revision ensured that in an emergency the most appropriately qualified groups would be registered first.

185. **It was agreed that** the revised emergency registration policy be approved.

**VOLUNTARY REMOVAL POLICY**

186. Seth Davies presented Paper No. 06.10/C/08 which asked the Council to consider and agree a voluntary removal policy. It was noted that the Registrar must not grant an application for removal unless he was satisfied that there were no ongoing investigations or outstanding proceedings relating to the registrant’s fitness to practise, or in exceptional cases where there were such investigations or proceedings, he considered that the public interest would be best served by allowing voluntary removal.

187. The purpose of the policy was to set out the basis for considering exceptional cases. The policy had been developed from the RPSGB’s existing policy on handling applications for voluntary removal.

188. **It was agreed that** the voluntary removal policy at Appendix 1 be approved.

**INTERNET PHARMACY LOGO**

189. Priya Sejpal presented Paper No. 06.10/C/09 which asked the Council to consider the adoption of the internet pharmacy logo.

190. PS explained that members of the public could access medicines online and that this was an area where unregistered retailers had been known to operate, selling unlicensed or unsuitable products and providing inappropriate advice. As a means of providing some assurance to the public using internet sites, the RPSGB had introduced an internet logo which included the registration number of the pharmacy.
191. It was further explained that the logo was currently the intellectual property of the RPSGB but this would transfer to the GPhC under the Transfer Order.

192. **It was agreed that:**

192.1. the continuation of the internet pharmacy logo as a visual means to identify websites linked to registered pharmacies was agreed; and

192.2. the internet pharmacy logo should be reviewed as an early part of the “moving forwards” theme of the Council’s vision and strategy including consideration of the voluntary basis for the use of the logo and the security and risk issues around the current ease of reproducibility of the logo.

**Performance Against KPIs**

193. Duncan Rudkin presented Paper No. 06.10/C/10 which provided information on the RPSGB’s regulation directorate key performance indicators (KPIs). The Council noted that the regulation directorate covered registration, education, fitness to practise, the inspectorate, standard-setting and legal and ethical advice.

194. DR explained that work was in progress to create a comprehensive suite of performance measures for the GPhC. These would measure critical success factors to include, amongst other factors, staff, standards, communications and relationships. The performance measures would be informed by the Pharmacy Order, the GPhC vision and strategy and objectives.

195. The Council requested more information on fitness to practise and it was agreed that the measures would indicate how the caseload was managed from the start of the process to the end. The Council also requested measurements of patient-public satisfaction.

196. **It was agreed that** the Council noted the report.

There being no further business, the meeting close at 3.55pm.