Investigating Committee: annual report

Purpose
To note the Investigating Committee’s annual report.

Recommendation
i. The Council is asked to note the Investigating Committee annual report at Appendix 1.

1.0 Introduction

1.1 The Investigating Committee (IC) is required, by virtue of rule 4 of the General Pharmaceutical Council (Statutory Committee and their Advisers Rules) Order of Council 2010, to provide an annual report to the Council in respect of each calendar year. Council has specified that all annual reports should cover the period from 1 April to 31 March.

1.2 The attached report covers the period from 1 April 2011 to 31 March 2012. It is the second report from the IC to the Council.

Alex Coleman
Chair of Investigating Committee,

26 April 2012
SECOND REPORT FROM THE CHAIR OF THE INVESTIGATING COMMITTEE TO THE GENERAL PHARMACEUTICAL COUNCIL

Introduction

This is my second report as Chair of the Investigating Committee (IC), following my appointment in December 2010. The Council has specified that this report covers the period 1 April 2011 to 31 March 2012 and is presented to the Council in June 2012.

First, I would like to express my appreciation to all my colleagues who sit on the Investigating Committee and also the hardworking staff. Without the perseverance and flexibility of the staff, this work could not be taken forward in the way it has been.

Role of the Investigating Committee

The IC is not a final hearing Committee and it does not make any findings of fact. Rather, it meets in private and reaches its conclusions on the papers alone. In consequence, it cannot resolve conflicts of evidence in any case. Cases that involve the resolution of disputed matters may be referred to the Fitness to Practise Committee (FtPC), where oral evidence may be taken from witnesses and the evidence aired and tested. It would not be unreasonable therefore to describe the IC’s role to be that of a filtering Committee. The test which the IC has to apply on the allegations and papers before it is often referred to as “the real prospect test”. That is, that the IC is satisfied that there is a real prospect that the FtPC will make a finding that the registrant’s fitness to practise is impaired (or if the case involves a body corporate that there is a real prospect that the FtPC will make a direction for disqualification).

Cases considered by the IC during the reporting period

Full cases: (i.e. cases where the executive recommends consideration by FtPC): 61

Health cases: 2

Recommendation cases: (i.e. cases where the executive recommends dealing with the case by way of letter of advice, warning, undertakings or no further action): 80

Total: 143

Applications for rescission: 12

During the reporting period the IC met 12 times and considered 143 cases and 12 applications for rescission. 10 of the 12 applications for rescission were granted and the referral rescinded and 2 were declined. 66 of the 143 cases considered were referred to the FtPC.

Caseload – outcomes

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referred to FtPC</td>
<td>66</td>
</tr>
<tr>
<td>Warnings issued</td>
<td>70</td>
</tr>
<tr>
<td>Referred back to Council*</td>
<td>6</td>
</tr>
<tr>
<td>Advice issued</td>
<td>24</td>
</tr>
<tr>
<td>Postponements</td>
<td>2</td>
</tr>
</tbody>
</table>
Undertakings agreed: 3

(*for further information to be provided to the IC)

Total: 171

Consideration of the 143 cases and the 12 applications for rescission actually resulted in 171 outcomes. (Please note that the number of cases and the number of outcomes do not correlate as there may, for example, be instances where cases involve more than one registrant or if a case has been adjourned for any reason and then reconsidered it will have two outcomes – adjourned and the final outcome).

66 cases were referred to the FtPC, 6 were referred back to the Council for additional information to be provided to the IC and 2 cases were postponed.

70 warnings were issued. The IC considered factors including the co-operation with the Council’s inspectors and investigators, insight demonstrated into the consequences of the facts alleged and relevant changes to professional practice, including the implementation of any advice provided by the inspector.

24 letters of advice were issued. In each of these cases the IC considered that there would be no real prospect of a finding by the FtPC that the registrant’s fitness to practise is impaired. The IC also considered the factors set out above in cases involving warnings. The differentiating factor between matters disposed of by way of a letter of advice as opposed to a warning being issued was the nature and gravity of the allegation(s).

3 cases were disposed of by agreeing undertakings with the registrant concerned.

Section on trends, patterns and learning points observed from cases considered by IC

As the past year shows, the ability of the IC to issue warnings in appropriate cases has been a very useful tool in disposing of matters in an efficient fashion. Appropriate and timely disposal of matters maintains public confidence in the regulation of the profession and also ensures greater public protection as the sanction is added to the public record of the pharmacist’s registration quicker than it would otherwise have been. In addition, it also means that GPhC resources can be focussed on more serious cases that are referred to the Fitness to Practise Committee for hearing.

It is also encouraging to note the limited number of cases that need an adjournment and it would seem that most of the legacy cases inherited by the GPhC have been processed at the IC stage.

Considerable debate is generated amongst committee members in dealing with the variety of cases that come before the IC, in particular where the alleged misconduct of the registrant arises from conduct outside the profession and it is reassuring that the Council organises appropriate ongoing training for committee members, to ensure that members’ skills base is reinforced.

Another beneficial innovation is that anonymised cases are published in the Council’s “Regulate” magazine to highlight issues where registrants have fallen below acceptable standards and to encourage a knowledge of good practice.
Conclusion

I look forward to working alongside colleagues from both the committee and the Council in facing the challenges in the year ahead. Given the level of commitment and dedication shown by all parties, I feel confident that all fresh challenges will be addressed, to ensure that the key objective of protecting the public is maintained.

Alex Coleman
Chair of the Investigating Committee

26 April 2012