Minutes of the Council meeting held on 17 May 2012 at 129 Lambeth Road, London SE1 7BT at 1.45 pm

Present

Bob Nicholls - Chair           John Flook
Cathryn Brown                Ray Jobling
Sarah Brown                  Liz Kay
Celia Davies                 Keith Wilson
Soraya Dhillon               Peter Wilson
Gordon Dykes                 Judy Worthington

In attendance

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

Attendance and Introductory Remarks

621     The Chair welcomed everyone to the Council meeting, including a visitor observing the meeting: Lindsey Gilpin, Chair of the English Pharmacy Board, Royal Pharmaceutical Society.

Apologies for absence were received from Tina Funnell and Lesley Morgan.

Declarations of Interest

622     All members declared an interest in item 6, Process for Council member appointments for 2013. The eight Council members whose term of office will end in 2013 declared a direct interest, the remaining six Council members declared an indirect interest.
MINUTES OF THE LAST MEETING

623 The minutes of the meeting held on 12 April 2012 were agreed as a true record of the meeting.

MATTERS ARISING

624 Minute 605.1 - Duncan Rudkin (DR) assured Council that the Abundant Life Centre was run by a charitable trust and used by a variety of commercial and not for profit secular organisations; therefore it was considered to be an appropriate venue for examinations. In relation to the issue of exams being held on a Friday, DR confirmed that no concerns or queries had been raised but that an upcoming equality impact analysis would consider the issue.

RESPONSE TO THE LAW COMMISSIONS’ REVIEW ON HEALTH PROFESSIONAL REGULATION

625 Bob Nicholls (BN) introduced paper 05.12/C/01 and he thanked members for their input to the development of the response. He informed members that the consultation closing date was 31 May but encouraged them to raise any significant issues at the meeting to enable finalisation of the response before the closing date.

625.1 Hugh Simpson (HS) highlighted the scale of the consultation document and the approach of using agreed GPhC principles to test the proposals. He informed the Council that the Law Commissions intended to put forward recommendations to Ministers in 2013 following further work and continuing feedback from regulatory bodies and other stakeholders.

625.2 It was suggested that it would be helpful for third parties if the proposals from the consultation document be displayed alongside the response. A member queried the use of the term ‘system regulation’ suggesting that it may not be clear to third parties what this involves and that it could potentially be viewed as an ‘over claim’ of duties, given that the GPhC did not regulate premises in all areas of pharmacy practice. HS undertook to address both issues.

625.3 Council debated whether the draft response clearly set out the Council’s view on the proposals relating to government power to intervene in, or take over, a regulator’s functions. Council discussed how the proposals, if they were implemented, would affect the public’s perception of the regulators’ independence from government and noted that the regulators were not funded by public monies. Council requested that the response be expanded to show that Council supported the proposal that powers to issue directions to regulators in circumstances where a regulator has failed to perform
should be transferred to the government. However, powers enabling the government to take over a regulator’s functions in those circumstances were not supported for reasons discussed above.

625.4 Council discussed the proposals around the CHRE (to become PSA) and the wide range of varied roles that the CHRE would be taking on, in some cases apparently on behalf of the government; they noted the need for the roles of the government and the PSA to be made clear. Council requested some minor drafting amendments.

625.5 In conclusion HS confirmed that prior to finalising the submission, the responses prepared by other bodies would be considered and that the GPhC response would be made available via the website to other stakeholders.

626 The Council agreed
- the draft response to the consultation on the regulation of health care professions from the Law Commission, the Scottish Law Commission and the Northern Ireland Law Commission (subject to minor additional drafting).
- to delegate the Chair of Council to approve the final text of the response on Council’s behalf.

**PROCESS FOR FILLING VACANCIES ON COUNCIL**

627 Christine Gray (CG) introduced paper 05.12/C/02 which, following previous council discussions had been prepared on the assumption of no early change to the structure and size of the Council. CG informed Council that the Department for Health (DH) and CHRE had both noted the paper and that comments from the DH had been incorporated.

627.1 CG referred to the CHRE consultation on ‘council member and chair appointments to regulatory bodies’ which she had circulated to members earlier in the week. She highlighted the timescales that were set out within the consultation document and the need for preparations to begin as soon as possible.

627.2 Council supported the need for open recruitment and recognised the timescales involved, it was noted that a tender exercise would need to be undertaken shortly to find suitable recruitment support. It was also noted that a paper setting out the proposed person specifications would be brought to the June meeting of the Council.

627.3 The Council debated the constitution of the appointment panel and agreed
that although there was a need for a registrant member on the panel that the registrant should not be a Council member. Further discussion centred on methods of identifying persons to sit on the appointment panel and on the draft CHRE guidance.

627.4 Council supported the recommendation to stagger terms of office to allow an appointments process to be run every other year and asked that the proposal be reviewed to take into consideration the appointment of the Chair of Council.

628 The Council agreed that:
   I. The eight vacancies arising in March 2013 be filled by an open recruitment process
   II. The selection panel should comprise an external panel chair, an independent assessor, the Chair of Council and a registrant who is not a Council member
   III. Terms of office should be staggered to allow an appointments process to run every other year.

ANY OTHER NOTIFIED BUSINESS

629 There being no further public business, the public meeting closed at 3.15pm.

Date of next meeting – 14 June 2012 - London