Minutes of the public session of the Council Meeting held on 19 May 2010 at City Inn, 30 John Islip Street, London SW1P 4DD at 9.30am

Present

Bob Nicholls - Chair  
Kirstie Hepburn  
Cathryn Brown  
Ray Jobling (minutes 64 to 82)  
Sarah Brown  
Liz Kay  
Celia Davies  
Lesley Morgan  
Soraya Dhillon  
Keith Wilson  
John Flook  
Peter Wilson  
Tina Funnell  
Judy Worthington

In attendance

Duncan Rudkin (Chief Executive & Registrar)  
Christine Gray (Head of Corporate Governance)  
Elaine Mulingani (Head of Private Office)  
Caroline Rose (Interim Corporate Support Manager) (Minutes)  
Bernard Kelly (Director of Resources and Corporate Development)  
Margaret Morgan (Communications Manager)  
Emma Beals (Communications Manager)  
Priya Sejpal (RPSGB Professional & Regulatory Ethics Manager) (mins 72 to 82.2)  
Martha Pawluczyk (RPSGB International Registration Manager) (mins 72 to 99)  
Joanne Martin (RPSGB Accreditation and Recognition Manager) (mins 89 to 92.3)  
Damian Day (RPSGB Head of Education & Quality Assurance) (mins 97 to 103)

Attendance & Chair’s Introductory Remarks

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

65. 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.
66. The Chair informed the meeting that he had signed off objectives for the Chief Executive for 2010. They would be adjusted in the light of Council discussion on the strategy and business plan and would be reviewed by the Remuneration Committee once established.

**DECLARATIONS OF INTEREST**

67. The following interests were declared:

67.1. Liz Kay had responded to the Rules Consultation in her capacity as Chair of the Association of Teaching Hospital Pharmacists;

67.2. John Flook had advised the Department of Health in respect of work to inform the draft 2010 Fees Rules;

67.3. Keith Wilson was a Professor of Pharmacy at a university providing RPSGB accredited courses; and

67.4. Soraya Dhillon was Head of the School of Pharmacy at a university providing RPSGB accredited courses.

68. It was agreed that the members declaring an interest in these subjects could speak at the end of the discussion of an item if they wished to contribute to it or if invited by the chair to provide additional information.

**MINUTES OF LAST MEETING**

69. The minutes of the meeting held on 14 April 2010 were approved as a true record subject to the addition at the end of minute 49 of the following words: “and this was in line with standard practice”

**ACTION POINTS AND MATTERS ARISING**

70. The Action Points paper was noted.

71. The Council requested that the Emergency Registration policy be brought back to a future meeting, in order to clarify the policy with respect to emergency registration of individuals who had formerly been included in the Royal Pharmaceutical Society’s non-practising register.

**GPhC’s VISION & STRATEGY**

72. Paper No. 05.10/C/01 was presented by Duncan Rudkin who explained that the vision and strategy would drive objectives and methods. It was explained that it
was useful to have vision & strategy in one place both for ease of reference and improved transparency. It was anticipated that the vision & strategy would be subject to continuous review through a process of engagement with stakeholders and the public.

73. The Council considered whether the vision & strategy document should highlight innovation and modernisation of pharmacy regulation including the role of the inspectorate within that. It was agreed that the paper should contain overarching themes, for example GPhC’s aspiration to be modern and innovative but specific work areas would be contained in operational plans.

74. The Council made several suggestions for minor changes to the document which would be re-drafted to reflect these points.

75. **It was agreed that** minor amendments would be made to Appendix 1 to Paper No. 05.10/C/01 and the document would be submitted to a future Council meeting for approval.

**Planning for the Transfer of Regulation**

76. DR updated the Council on progress towards the transfer of pharmacy regulation to the GPhC. DR explained the key considerations were: the breadth and depth of change; the rules; quality and performance; organisation issues; statutory instruments; communications; resources and risk implications. It was proposed that the transfer would take place at the earliest opportunity consistent with the ability to continue to deliver sound regulation. It was hoped to be able to agree and publish a target operational date shortly.

77. The Council asked that business continuity be prioritised.

**Rules**

78. The Chair informed Council that the paper inviting Council to make the rules had been withdrawn because the final sets were unavailable. CG reminded the Council that making the rules was part of their core responsibility and was a function that could not be delegated.

79. **It was agreed** to hold an extra meeting of the GPhC Council on 3 June 2010 to make the rules.
2011 FEES RULES CONSULTATION DOCUMENT

80. The Council considered Paper No. 05.10/C/04 which asked the Council to agree the content of the 2011 fees consultation and the launch of the 2011 fees consultation.

81. The Council considered the draft document and suggested some minor drafting amendments, in particular that the paper reflect the Council’s commitment to efficiency savings.

82. It was agreed that:

82.1. the content of the 2011 fees consultation was approved subject to incorporation of points made; and

82.2. the 2011 fees consultation should be launched.

MEMBERSHIP OF NON-STATUTORY COMMITTEES AND LAUNCH COMMUNICATIONS TASK & FINISH GROUP

83. Elaine Mulingani presented Paper No. 05.10/C/05 which made recommendations for appointments to the Audit & Risk Committee and the Remuneration Committee, the external appointments panel and the establishment of a Communications Task & Finish Group.

84. The Council considered the establishment of a short life Communications Task & Finish Group which would concern itself with the strategy for the launch of the regulator, act as a conduit between staff and the Council for the purposes of approving suppliers and as a sounding board for the development of launch plans across all audiences. The Group would offer its expertise to the strategic launch communications programme.

85. The Council also considered recommendations for members of the non-statutory committees and the Communications Task & Finish Group. In respect of the Remuneration Committee the Council considered that the external member should be a lay member and ideally from an unrelated sector. The Audit & Risk Committee would consider whether it would also be helpful to appoint an external member to that committee.

86. In respect of the committee chairs, it was agreed that the Chair would take soundings from members and then recommend the committee chairs to the Council.

87. It was agreed that:
87.1. The following members be appointed to the Audit & Risk Committee:

- Cathryn Brown
- John Flook
- Judy Worthington
- Keith Wilson

87.2. The following members be appointed to the Remuneration Committee:

- Liz Kay
- Lesley Morgan
- Kirstie Hepburn
- Bob Nicholls (ex officio as Chair of Council)

87.3. The following members be appointed to the panel to appoint external members:

- Sarah Brown
- Peter Wilson

and the following members be appointed as reserves:

- Soraya Dhillon
- Ray Jobling
- Lesley Morgan

87.4. The following members be appointed to the Launch Communications Task & Finish Group:

- Cathryn Brown
- Celia Davies
- Liz Kay
- Tina Funnell
- Ray Jobling
- Keith Wilson (alternate - Soraya Dhillon)

**ACCREDITATION CHARGES FOR 2011**

88. Joanne Martin presented Paper No. 05.10/C/06 asking the Council to accept the current accreditation charging regime for 2011 and whether it wished to consult on the accreditation charging regime for 2011.

89. It was noted that the charging regime would be subject to review as part of a wider review of the GPhC’s finances in 2011. However, until then, it was
recommended that the existing charging regime be maintained to minimise non-essential change in the run up to transfer.

90. The Council expressed concerns about the Equality & Diversity implications and asked that the review of accreditation charges includes an equality & diversity impact assessment. The Council also requested that the review should take account of the Modernising Pharmacy Careers programme.

91. **It was agreed that:**

91.1. the 2011 accreditation charging regime would be maintained until a review in 2011 could be undertaken;

91.2. an equality & diversity impact assessment of the accreditation charging regime would be undertaken in 2011; and

91.3. the 2011 accreditation charging regime would be communicated but not consulted upon.

**Compensation Measures for “Exempt Persons” Applying to Register**

92. DR presented Paper No. 05.10/C/07 which sought to ensure that GPhC’s “exempt persons” policy complied with the requirements of Directive 2005/36/EC and implementing legislation.

93. The Council queried whether competency in English language formed part of the assessment before entry to the register. It was reported that under legislation the regulator can, in specified circumstances, require ‘exempt persons’ to complete an adaptation period (a period of supervised practice with assessments) before registration. One of the performance standards which must be satisfied during this period was competence in the English language.

94. **It was agreed that** compensation measures which the Registrar can require “exempt persons” to complete before registering with the GPhC should be based on relevant parts of the current national education and training programmes and assessments required for initial registration of pharmacy professionals.

**Other Fees for 2010 and 2011 under Article 65(1)**

95. Duncan Rudkin presented Paper No. 05.10/C/08 which asked the Council to consider fees levied under Article 65(1) not covered by fees rules for 2011.
96. It was noted that GPhC would consider applications from non-GB qualified pharmacists, determine their route to the register and manage the pharmacist pre-registration year and national registration exam; there would be fees associated with these functions.

97. It was agreed to adopt the fees that RPSGB consulted on as part of the RPSGB’s 2010 fees rules consultation for the remainder of 2010 and to adopt the fees set out in para 2.4 of the paper for 2011.

EDUCATION PROCEDURES

98. Damian Day presented Paper No. 05.10/C/09 which sought to obtain approval for revised procedures for the initial education and training of pharmacists and pharmacy technicians.

99. It was noted that informal consultation on the education procedures for the GPhC had taken place in 2009/early 2010 and Council members had contributed views. Redrafted procedures in the light of consultation and Council’s view were presented at this meeting for approval.

100. The Council were concerned that paragraph 3.1 on the equality & diversity implications of the procedures implied that identical treatment meant equal treatment and asked that future statements about equality & diversity should not state or imply that identical treatment was automatically synonymous with equality.

101. It was agreed that the procedures for the initial education & training of pharmacists and pharmacy technicians at Appendix 3 to Paper No. 05.10/C/09 be approved.

REGULATION DIRECTORATE KEY PERFORMANCE INDICATORS

102. Duncan Rudkin presented Paper No. 05.10/C/10 which provided information on the RPSGB’s Regulation Directorate KPI’s. The Regulation Directorate covered registration, education, fitness to practise, the inspectorate, standard-setting and legal and ethical advice.

103. The Council noted that all community pharmacies in England were due to receive a Controlled Drug monitoring visit by 31 March 2010 and that that target had not been met. The Council would also be looking at the future processing time for pharmacy technicians to register. Council noted that work was planned to facilitate the creation of GPhC key performance measures, which would be in a different form from those used by the Society’s executive and Council.
104. **It was agreed that** Appendix 1 of Paper No. 05.10/C/10 be noted.

**ANY OTHER BUSINESS**

**DIRECT DEBIT INDEMNITY SCHEME**

105. Bernard Kelly introduced the Direct Debit Indemnity Scheme which would protect the regulator in the event of fraudulent debits from its bank account.

106. The Scheme required five Council members to accept unlimited personal liability for any claims that may be made arising out of the GPhC’s direct debit operations.

107. It was noted that the following members had signed the form (“the Standard Indemnity”):

- John Flook
- Sarah Brown
- Elizabeth Kay
- Tina Funnell
- Keith Wilson

108. The Council would in turn indemnify those members for any losses that they might incur as a result of signing the Direct Debit Indemnity Scheme.

109. **It was agreed that:**

109.1. the GPhC participates as a Service User in the Direct Debit Scheme and authorised the Chair and the Chief Executive to confirm to the individuals concerned the scope of the indemnity which the Council owed to them in respect of any liability they might personally incur as signatories;

109.2. the GPhC would indemnify each of the Council members named above to the full extent of any loss that each may incur as a result of signing the Standard Indemnity.

There being no further public business, the Council went into confidential session at 3.30pm.