Minutes of the Council meeting held on 10 November 2011 at 129 Lambeth Road, London SE1 7BT at 11.45 am

Present

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

In attendance

Duncan Rudkin (Chief Executive & Registrar)
Christine Gray (Head of Governance)
Martyn Schofield (Council Secretary)
Hugh Simpson (Director of Policy and Communications)
Hilary Lloyd (Director of Regulatory Services)
Bernard Kelly (Director of Resources and Corporate Development)
Elaine Mulingani (Head of Private Office)
Jane Robinson (Head of Communications)
Gerard McEvilly (Head of Legal Advice and Hearings Management) minute 510-511; 516-517
Priya Warner (Head of Standards and Fitness to Practise Policy) minute 512-513
Heather Walker (Business Planning and Improvement Lead) minute 510-513
Ambrose Paschalides (Standards Policy Advisor) minute 512-513
Martha Pawluczyk (Registration and International Policy Manager) minute 512-513
Terry Orford (Head of Customer Services) minute 518-519; 524-525

ATTENDANCE AND CHAIR’S INTRODUCTORY REMARKS

507 The Chair welcomed everyone, including visitors observing the meeting: David Prince, Remuneration Committee external member; Baroness Pitkeathley, CHRE Chair; Ian Hamer, CHRE member and Mair Davies, Chair of the Royal Pharmaceutical Society’s Welsh Pharmacy Board.
DECLARATIONS OF INTEREST

508 Cathryn Brown and Gordon Dykes declared interests in Item 6: Regulation of pharmacy premises, as community pharmacists and, in Gordon Dykes’ case, a superintendent pharmacist and owner of a retail pharmacy business. Liz Kay declared an interest in the same item as a superintendent pharmacist of an NHS Trust with some retail pharmacy functions.

MINUTES OF THE LAST MEETING

509 The minutes of the meeting held on 15 September were agreed as a true record of the meeting subject to the following addition at the end of minute 487: to continue working as dispensing/pharmacy assistants and medicine counter assistants if they had chosen not to exercise their grandparenting rights to register as a pharmacy technician.

MATTERS ARISING

509.1 With regard to minute 482, Duncan Rudkin (DR) stated that a report on the preliminary activities on standard 3.4, relating to religious or moral belief, would be submitted to Council in April 2012.

509.2 In relation to minute 495, DR reported that the dates of Council’s strategic risk discussions had been more closely linked to the meeting dates of the Audit & Risk Committee, which would ensure that the Council’s review of risks was informed by the Committee’s recent views.

509.3 DR reported on minute 501 and stated that the timetable to consider the Commission on effectiveness and efficiency was extremely tight but that the GPhC and other regulators had urged the CHRE and the DH to ensure that full consideration could be given to the seriousness of the issues. The review currently coincided with the CHRE performance review exercise. An update would be provided to the Council in December.

ROLLING CORPORATE PLAN APRIL 2012-MARCH 2015

510 DR introduced paper 11.11/C/01 and asked Council to consider Annex 1; specifically whether the contents were correct and if continuing professional development and pre-registration training should be included in the corporate plan.

510.1 The Council members provided comments on the draft contents of the corporate plan and requested the inclusion of a piece of work specifically on quality.
assurance of pre-registration training. It would not be timely to plan for a wider policy review of pre-registration pharmacist training.

510.2 Council members requested that a review of the continuing professional development framework should feature within the scope of the revalidation project. The plan should also include work to scope and address a range of pharmacy technician and support staff issues across all areas of the GPhC’s remit following the implementation of compulsory registration for pharmacy technicians.

510.3 DR confirmed that the final version of the plan would include information on timing and resources of the tasks and would be reviewed regularly in response to the changing internal and external context. DR also confirmed that it was intended it should be a rolling three year plan; it would need to be updated annually so that the organisation was always planning forward on a three year basis.

511 The Council confirmed the proposed contents of the corporate plan with the incorporation of the above points.

REGULATION OF PHARMACY PREMISES

512 Hugh Simpson (HS) introduced paper 11.11/C/02 and advised that the paper detailed, amongst other things, the pre-consultative engagement work to date and the proposed overall approach to the planned consultation. HS confirmed that it remained the intention to present the draft standards and consultation document to Council in early 2012.

512.1 In a lengthy discussion, Council members expressed concern about those premises that were outside the regulatory framework, particularly unregistered hospital pharmacies and dispensing doctors’ surgeries. Council identified a need to consider the professional responsibilities of registrants working in unregistered premises that did not meet the standards. Patient safety and appropriate standards for service delivery from unregistered premises were considered. It would be important for the consultation to be clear about the distinction between registered premises and those premises where medicines were dispensed but which were not registered.

512.2 There was also discussion about the varied role of superintendents in community pharmacy and how this would affect how the standards were enforced.
512.3 In response to questions raised by Council members, HS stated that the consultation would set out clear explanations regarding the scope of the regulatory framework as well as the regulatory reach of the GPhC. Patients had a right to expect similarly high standards where pharmaceutical care was being provided, regardless of who the regulatory body was.

512.4 The Chair summed up by stating that the Council agreed the proposal to continue to develop the consultation ensuring that the document clearly set out the regulatory framework.

513 The Council noted the pre-consultation engagement work carried out to date and agreed the proposed approach to the planned consultation subject to the opportunity to comment on the draft standards and formal approval of the consultation document early in 2012.

EQUALITY DIVERSITY AND INCLUSION SCHEME

514 Elaine Mulingani (EM) introduced the background to paper 11.11/C/03 and advised that the ‘social model of disability’ referred to societal, non-medical barriers encountered by disabled people such as popular perceptions, inaccessible buildings and transport. The model suggested that it was these societal barriers that needed to be fixed (as distinct from the medical model of disability, which primarily looked at the individual in medical terms).

514.1 It was noted that the implications for pre-registration pharmacists/tutors and fitness to practise processes in Schools of Pharmacy would need to be fully considered in light of the Scheme.

514.2 The Chair thanked EM and Vanda Thomas (VT) for the report, made some suggestions for improvements, and noted that resources would need to be allocated to enable effective implementation of the Scheme.

514.3 Council members thanked EM and VT for the excellent report.

515 The Council agreed the Equality Diversity and Inclusion Scheme and the report of the consultation for publication, subject to the changes discussed.

GPhC PROSECUTION POLICY

516 DR presented paper 11.11/C/04, referring to the Council’s previous discussion on this topic. DR explained that the policy would apply across Great Britain and was intended to reflect a proportionate approach, using approaches other than prosecution whenever appropriate.
517 **The Council agreed the GPhC prosecution policy.**

**EMERGENCY REGISTRATION**

518 Terry Orford (TO) presented paper 11.11/C/05.

518.1 Council members questioned the policy of including former registrants on Part 2 (non-practising) of the Royal Pharmaceutical Society of Great Britain’s Register of Pharmacists whose fitness to practise was not impaired. This was due to the fact that this list would become out of date very quickly as the GPhC did not keep a non-practising list as the regulator. There was also the issue of non-practising former registrants not being required to carry out continuing professional development.

518.2 DR advised that this group of former registrants would only be approached in an emergency, and only after several other groups as listed in Appendix 1 had been approached first. The GPhC had up to date information on when former registrants had left the register. In response to a question about whether people were aware they could be asked to practise in an emergency, DR stated that the information given to persons leaving the register would be reviewed to ensure this was covered.

519 **The Council agreed to maintain the emergency registration policy, and directed that it should be reviewed again towards the end of 2012.**

**GPhC ANTI-BRIBERY STATEMENT**

520 Christine Gray (CG) introduced paper 11.11/C/06.

521 **The Council agreed the anti-bribery statement.**

**AMENDMENT TO SCHEME OF DELEGATION**

522 DR introduced paper 11.11/C/07. It was noted that the proposed delegation would be consistent with the existing delegation of approval of the Welsh Language Scheme itself.

523 **The Council agreed to delegate approval of the Welsh Language Scheme annual report to the Chief Executive & Registrar.**

**PERFORMANCE MONITORING**

524 DR presented the paper 11.11/C/08 and TO provided the updated renewals figures for the peak (end-December period) as follows: 4.6% pharmacists had
not renewed; 2.7% of pharmacy technicians had not renewed; 1,125 owners relating to 2000 premises had not renewed, although this was a manual process and some payments were still being reconciled. In order to be registered with the GPhC, registrants needed to have renewed their registration by 31 October 2011 for their renewal to take effect from January 2012.

524.1 DR advised that the clear message to those who had not renewed in time was that they were in breach of their obligations, however the GPhC would be as helpful as possible to those who had overlooked renewing or missed the deadline, but it was important for those registrants or owners to contact the GPhC as a matter of urgency.

524.2 TO reported that currently 2914 applications for pharmacy technician registration under the grandparenting arrangements still needed to be processed, 34% of which required further information from applicants. The customer services team were working through the applications as quickly as possible and remained confident that all applications would be processed by end-December 2011.

524.3 DR reported that a paper would be brought to Council in advance of the June 2012 registration exam which would detail the measures in place to ensure that the exam ran smoothly. In response to a statement listed in Appendix 2 of the report from the Board of Assessors, DR advised that the issue of ‘formulaic’ appeals would be studied further.

524.4 Bernard Kelly (BK) reported on the management accounts and advised that there had been a significant reduction in expenditure on professional fees as a result of the new contractual arrangements with external legal firms and a greater use of internal advocates and this represented a significant efficiency saving.

525 The Council noted the performance across the customer services and fitness to practise functions and the financial performance.

CHIEF EXECUTIVE & REGISTRAR’S REPORT

526 DR presented paper 11.11/C/09.

526.1 HS reported that Martha Pawluczyk, Registration and International Policy Manager, had recently attended a conference in Brussels that reported on a planned review of the EU directive on recognition of professional qualifications and stated that the GPhC was continuing to work with the other health professional regulators on this and related matters.
In response to a Council member query on the heavy workload for the development of standards for education and training, DR reported that the work had been planned for and allocated accordingly. One post was still being advertised.

The Council noted the report.

**AUDIT AND RISK COMMITTEE UNCONFIRMED MINUTES**

John Flook introduced paper 11.11/C/10.

The Council noted the unconfirmed minutes of the Audit & Risk Committee meeting held on 13 October 2011.

**ANY OTHER NOTIFIED BUSINESS**

The Chair confirmed that the reason for going into confidential session was because the disclosure of reports could be prejudicial to the commercial interests of the GPhC; and the reports referred to individuals who could be prejudiced by disclosure.

There being no further public business, the meeting closed at 2.58pm.

Date of next meeting – 12 January 2012 - London