Minutes of the Council Meeting held on 15 September 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  
Keith Wilson  
Peter Wilson  
Judy Worthington

In attendance

Duncan Rudkin (Chief Executive & Registrar)  
Christine Gray (Head of Corporate Governance)  
Alison Readman (Interim Corporate Support Manager)  
Bernard Kelly (Director of Resources and Corporate Development)  
Elaine Mulingani (Head of Private Office)  
Hilary Lloyd (Director of Regulatory Services)  
Hugh Simpson (Director of Policy and Communications)  
Priya Sejpal (Acting Head of Regulatory Standards, Policy & Ethics, RPSGB) (min 250 to min 256)

Vanda Thomas (Patient and Public Involvement Manager) (min 259 to 261)  
Janet Flint (Post-registration manager, RPSGB) (min 266 to min 269)  
Damian Day (Head of Education and Quality Assurance, RPSGB) (min 262 to min 275)  
Stephen Thorneycroft (GPhC Contractor) (min 283 to min 289)  
Seth Davies (Head of Regulatory Operations, RPSGB) (min 276 to 279)  
Heather Walker (Project Manager) (min 288 to min 289)
ATTENDANCE & CHAIR’S INTRODUCTORY REMARKS

Minute
244 The Chair welcomed Council members, staff and members of the press and public to the meeting. The Chair reported that he had been appointed to the board of Medical Education England. The Chair welcomed Hugh Simpson (HS), who had taken up his post as Director of Policy and Communications.

DECLARATIONS OF INTEREST

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

245.1 All the registrant members and those who owned or were employed by owners of pharmacy premises declared an interest in the fees rules item;

245.2 Soraya Dhillon and Keith Wilson confirmed they had an interest in the education items. It was agreed that they would speak at the end of the discussion on the education items if they wished to do so;

245.3 Peter Wilson declared an interest in the items relating to CPD and pharmacist prescribing and it was agreed that he would speak at the end of those discussions if he wished to do so.

MINUTES OF THE LAST MEETING

246 The minutes of the meeting held on 21 July 2010 were agreed as a true record of the meeting.

MATTERS ARISING AND OUTSTANDING ACTION POINTS

247 Minute 234: Duncan Rudkin (DR) reported that controlled drugs monitoring would be included in the future performance monitoring matrix.

248 Minute 178.1 (16 June meeting): It was confirmed that the policy on development of standards would be deferred to the October meeting.

249 The Council noted the schedule of outstanding actions.

2011 FEES RULES

250 Christine Gray (CG) presented paper 09.10/C/01 proposing approval of the fees rules consultation report and seeking to make the fees rules.
The Council considered the draft consultation report. There were requests from Council members that the following items be considered:

251.1 That the impact of the removal of the low income fee be monitored (2.36 draft response). CG agreed to consider how practical it would be to do this given that census information, such as whether someone worked part-time, was not held on the register. One way to monitor the impact might be to check whether practising pharmacists currently paying the low income fee renewed their registration for 2011;

251.2 That the tone of the report should do more to acknowledge that respondents’ views had been considered, such as by indicating that the matters that had remained unchanged following the consultation would be kept under review and by including the points where most responses had not been in favour of the proposals in the executive summary;

251.3 With reference to the ‘Costs and transparency’ section, there was a request that more information be included to demonstrate that the Council had used the best information available to forecast the cost of the GPhC’s operations. It was also noted that more information would be available to inform the following year’s exercise, while recognising that only a few months’ data would be available when the Council next needed to propose fees for consultation; and

251.4 With regard to the consultation response that the GPhC should lobby against the rolling register, it was confirmed that the Council would consider whether to seek changes to the Pharmacy Order in the light of practical experience and if the opportunity arose.

Other detailed comments were made by Council members and noted by staff. The overall tone of the comments was that the report should show that the GPhC was listening to the responses.

The Council considered the fees rules.

It was agreed that:

254.1 the draft report on the fees rules consultation for publication be approved as set out in Appendix 1 of paper 09.10/C/01, with the Chair and Chief Executive & Registrar having authority to approve changes to reflect Council members’ comments made during the meeting;

254.2 the General Pharmaceutical Council (2011 Registration and Renewal Fees) Rules 2010 be made as set out in Appendix 2 of paper 09.10/C/01; and
254.3 the GPhC’s corporate seal would be affixed to the rules.

EQUALITY SCHEME

255 DR, Priya Sejpal (PS) and Vanda Thomas (VT) presented paper 09.10/C/02 proposing an initial equality scheme. The Council heard what steps had been taken to prepare the proposed scheme so far and what the next steps would be, such as an action plan. Some members suggested improvements and expressed the hope that the scheme could be adjusted to reflect the GPhC’s values as a modern regulator more strongly. It was agreed that Council members would send any further comments to VT. The Council appreciated the scheme being presented to it at an early stage but emphasised that what mattered would be the actions taken as the scheme was implemented, not the tone nor the mere existence of the scheme. The Council requested an early progress report prioritising the actions over the next one to two years.

256 It was agreed that the initial equality scheme at Appendix 1 of paper 09.10/C/02 be approved subject to Council members’ suggestions being incorporated as appropriate.

COUNCIL BUSINESS CYCLE AND 2011 MEETING DATES

257 The Chair introduced paper 09.10/C/03 proposing the schedule of 2011 Council meeting dates and the cyclical agenda items for future Council meetings. He explained the rationale for reducing the number of Council meetings in future. There was a consensus that this would be desirable although there were some concerns about whether the level of business would permit this and how members would stay informed with what was happening between meetings. DR agreed to consider how this could best be achieved. It was agreed that a reserve date would be included in July 2011 to deal with these concerns and span the gap between June and September if required. Some members expressed a wish to have meetings in England outside London while others questioned whether such events were the best way to engage with stakeholders; however the Council was committed to events in Scotland and Wales for the next two years. It was generally felt that it was a good idea to hold stakeholder meetings the evening before to enable an early start on the day of the business meeting and reduce the cost of overnight accommodation.

258 It was agreed that the revised frequency and timing would be adopted as proposed in Appendix 1 of paper 09.10/C/03 with a reserve date in July and the proposed dates would be circulated, as would the audit and risk committee dates and remuneration committee dates when available, so that any major difficulties could be identified.
RESPONDING TO DEVOLUTION

259 DR presented paper 09.10/C/04 proposing a devolution strategy including exploring opportunities for joint appointments and shared premises. HS commented that he had been co-opted onto the Scottish government’s regulatory liaison group. Some members expressed concern over shared personnel and the conflicts that might arise as a result, such as conflicting policies, priorities or engagements. DR confirmed that such conflicts would be managed through a service level agreement. He also confirmed there were no current proposals to hold disciplinary hearings in other parts of England or in the rest of Great Britain since it was not a legal requirement and could prove expensive; however this could be reviewed in due course.

260 The Council requested an informal update in due course on joint appointments and/or shared premises. Kirstie Hepburn and Lesley Morgan offered to take soundings on the proposals from interested parties and John Flook offered to comment on the proposals once they had been firmed up.

261 It was agreed that the devolution strategy set out in Appendix 1 of paper 09.10/C/04 would be adopted; that the executive would explore opportunities for joint appointments and/or shared premises with other professional regulators in Scotland and Wales including further detailed work on cost and resource implications; and that further consultation be carried out with key interest groups in Scotland and Wales.

2010 – 2011 EDUCATION STANDARDS CONSULTATION PROGRAMME

262 Damian Day (DD) presented paper 09.10/C/08, which provided an update on plans to consult on new pharmacist education standards and accreditation methodology. He outlined proposals for four PPI consultation seminars, namely in London, Manchester, Cardiff and Edinburgh, as well as other consultation seminars for academics and pre-registration training providers. Some Council members requested that consideration be given to involving other health professionals such as GPs and nurses since multi-disciplinary working was becoming increasingly important. Further consideration would be given to how best to involve patients and the public.

263 A discussion took place over whether any key stakeholders had been omitted (paper, para 2.2). DD noted some additions proposed such as professional leadership bodies and agreed to consider if further stakeholders needed to be added.

264 The Council expressed concern about the possibility of a consultation document being issued in its name without the Council having seen the final
draft. However, much work had gone into the standards and changes were being made in schools of pharmacy in readiness for the new standards.

265 It was agreed that the consultation document would be presented to the October Council meeting for approval in advance of consultation with comments being sought in advance and informal engagement continuing in the meantime.

CPD FRAMEWORK

266 DR and Janet Flint (JF) introduced paper 09.10/C/05 proposing a draft CPD framework for consultation.

267 The Council discussed the draft framework and Council members gave detailed suggestions for changes to it. One area of concern related to the wording in section 7.3 relating to potential cancellation of registration for failure to submit an adequate CPD record. DR and JF noted the suggested changes and confirmed that the consultation would make clear there would be guidance in addition to the framework. They reminded the Council that the introduction of the CPD rules offered a greater range of options for dealing with unsatisfactory CPD records than the fitness to practise regime used previously. Where a CPD record was unsatisfactory, remedial measures could be used rather than removing a person’s entry from the register. Other areas of concern related to clarity on the number of entries required and the wording of the review criteria.

268 DR commented that the CPD regime had been carried forward from the RPSGB and was relatively new in any event. He added that the framework document was a statutory requirement but it did not involve any policy changes at this stage. It was agreed that Council members should feed any further comments on the wording as opposed to the substance of the framework to JF.

269 It was agreed that the CPD framework would be issued for consultation at the same time as the CPD rules in the form set out in Appendix 1 of paper 09.10/C/05, subject to the minor revisions suggested by Council members.

EDUCATION AND QUALITY ASSURANCE CONTINUITY

270 DD presented paper 09.10/C/06 proposing the adoption of two further RPSGB education documents, namely the Standards of proficiency for pharmacist prescribers and the Code of conduct for pre-registration pharmacy technicians both with consequential amendments only. He confirmed that both documents were needed for day one and were fit for purpose, although the standards would need to be reviewed following the introduction of forthcoming legislation.
He reminded the Council that an equivalent code of conduct for students had been agreed the previous month.

271 There was a discussion about the use of appropriate language such as ‘patient compliance’ although this merely referred to patients adhering to treatment regimes. It was confirmed there would be an opportunity to review the language when the standards were reviewed.

272 **It was agreed that** the RPSGB Standards of proficiency for pharmacist prescribers and the RPSGB Code of conduct for pre-registration pharmacy technicians would be adopted as set out in paper 09.10/C/06 both with consequential amendments only.

**CRITERIA FOR INITIAL REGISTRATION WITH THE GPhC**

273 DD presented paper 09.10/C/07 proposing the adoption of criteria for initial registration as a pharmacist and the adoption of criteria for initial registration as a pharmacy technician. He explained that the criteria were based on the RPSGB registration criteria with minor variances, which he outlined. These included transitional arrangements, which would be communicated to all pre-registration trainees/tutors and training leads. The Chair requested that any other points relating to communications be passed to DD.

274 The Council was informed that, whilst the new sets of criteria included maximum time limits for completing initial education and training, due regard would be given to the circumstances of students on a case by case basis. Where an adjustment was made to education and training, the requirements of relevant legislation, including the Equality Act 2010, would be taken into account. The Council discussed the potential tension between assuring patient safety and the requirements of the Equality Act.

275 **It was agreed that** the initial criteria for initial registration as a pharmacist and the adoption of criteria for initial registration as a pharmacy technician set out in Appendix 1 of paper 09.10/C/07 would be adopted, with the transitional arrangements and other changes being clearly communicated.

**COMPETENCY FRAMEWORK FOR STATUTORY COMMITTEE MEMBERS**

276 Seth Davies (SD) presented paper 09.10/C/09 setting out a competency framework for statutory committee members. He proposed that the existing competencies be adopted for the time being since the committee members transferring from the RPSGB had been working to the same competencies; recruitment was currently ongoing and competencies were required as part of that process; and it was logical for the competencies to remain the same until
after the proposed Task and Finish group had completed its work and the new appointments committee made new proposals to the Council.

277 The Council discussed the proposed competencies with a view to shaping their future direction. There was a consensus that they appeared daunting with little room for interpretation, although opinion was divided on whether it was helpful for them to be so detailed. SD said he would welcome comments on how the competencies could be improved when the time came to review them.

278 A Council member requested a list of the policies and other documents being rolled over and DR agreed to produce this.

279 **It was agreed that** the RPSGB’s competency framework as set out in Appendix 1 of paper 09.10/C/09 would be adopted.

**MANAGEMENT ACCOUNTS**

280 Bernard Kelly presented paper 09.10/C/10 setting out the management accounts for the period to July 2010 and the forecast to March 2011. BK reported that since the number of pharmacy technicians registering with the RPSGB was greater than previously anticipated a small surplus was forecast, which would be added to reserves.

281 The Council considered the accounts and requested that in future the headings ‘service level cost’ and ‘service charge’ be renamed so that they were more explanatory.

282 **It was agreed that** the report contained in paper 09.10/C/10 be noted.

**REGULATION DIRECTORATE KEY PERFORMANCE INDICATORS**

283 DR presented paper 09.10/C/12 setting out the performance against the RPSGB’s Key Performance Indicators to August 2010. He confirmed that at the October meeting a prototype GPhC-style report on performance would be presented.

284 The Council considered the report and noted that the indicators for pharmacy technician registration were not being met due to a spike in registrations prior to the transfer of regulatory operations to the GPhC. DR confirmed that extra resources had been recruited including a business analyst to review the processes and temporary workers to help with the workload. The transitional arrangements for those applications that had not been completed by 27 September (ie the date of transfer of regulation) were explained. Another negative indicator was lost hearing days before the RPSGB Disciplinary
Committee, because of the resignation of two chairs on the Disciplinary Committee which, as was to be expected, was taking time to resolve. DR confirmed that it was not unusual for hearing dates to be lost from time to time.

285 **It was agreed that** the report contained in paper 09.10/C/12 be noted.

**THRESHOLD CRITERIA TERMINOLOGY**

286 DR presented paper 09.10/C/13 setting out the approach that had been taken in relation to one drafting point left over from the July Council meeting in relation to the threshold criteria policy (min 212 to min 219). He confirmed that the phrase ‘there is evidence that’ was considered to be appropriate for the reasons set out in the paper.

287 **It was agreed that** the paper be noted.

**REGULATORY TRANSITION PROJECT PLAN**

288 DR presented paper 09.10/C/14 setting out the state of operational readiness for the transfer of regulatory responsibility from the RPSGB to the GPhC. Heather Walker explained what steps were being taken to ensure the smooth transfer of the IT systems (paper, para 2.10). BK confirmed that the CPD records were on a remote server so should not be affected by the work on the IT systems.

289 The Council noted that this would be the last regulatory transition project plan and thanked HW, BK and DR for their work on the project.

290 **It was agreed that** the paper be noted.

**RESPONSE TO CONSULTATION ON FITNESS TO PRACTISE ADJUDICATION FOR HEALTH PROFESSIONALS**

291 DR presented paper 09.10/C/15 setting out the draft response to the Department of Health consultation on fitness to practise adjudication for health professionals. He confirmed that a protocol on responding to external consultations would be developed.

292 The Council considered the draft response at Appendix 1 of the paper. DR confirmed there was an opportunity for the Council to alter the response if it wished. There was a consensus among the Council members that the response should be strengthened to remind the Department of the significant change of direction that the proposals contained; the need for consistency across regulators; the need for natural justice including the separation of
powers; and the intended benefits of economies of scale. It would also be beneficial to find out how other regulators and OHPA themselves would be responding.

293 **It was agreed that** the draft response set out at Appendix 1 of paper 09.10/C/15 would be strengthened, as set out in the previous minute, before submission.

**ANY OTHER BUSINESS**

294 The Chair explained why the meeting was moving into confidential session ie the Council needed to consider some matters that were commercial in confidence and because an individual could be identified in a paper.

295 The Chair reported that Alison Readman (AR) would finish her interim work with the GPhC at the end of September and would be replaced by Michele Savage who had recently been working for the RPSGB. The Council members joined the Chair in thanking AR for her contribution during a very busy time.

296 There being no further business, the meeting closed at 4.15 pm.

Date of next meeting – 20 October 2010