Council meeting 15 September 2010

Public business

**Equality Scheme**

**Purpose**
To propose an initial Equality Scheme to the Council

**Recommendation**

The Council is asked to agree:

1. the initial Equality Scheme at Appendix 1.

1.0 **Introduction**

1.1 Promoting equality and diversity is an essential component of good governance. This is especially relevant to the General Pharmaceutical Council (GPhC), which exists to serve the public.

1.2 This Equality Scheme is being developed as the first of three phases in embedding and promoting equality and diversity within the organisation. Subsequent equality work plans will demonstrate our commitment not just to meeting legislative requirements, but also to the active promotion and valuing of diversity.

1.3 This Scheme outlines what we are required to do under current legislation and what further actions we are prepared to take to ensure that we do not discriminate against people unlawfully. Until the new equality duty is implemented, public bodies are still obliged to meet the requirements of the race, disability and gender duties. An attempt has been to ensure that this Scheme also complies with the first part of new Equality Act. The Scheme will require updating if we are named as a public authority (see 3.1) and as new codes of practice and duties come into force.
2.0 Implementing the Scheme

2.1 Action plans

The Equality Scheme will be supplemented with action plans. These will be introduced gradually through a detailed timetable until the end of the year, to be in place for the beginning of 2011. We want to make sure that the planning of actions in support of this Scheme is integrated with other aspects of our strategic and business planning, rather than carrying out equality and diversity action planning in a separate parallel process.

2.2 The Scheme will be viewed as our timetabled, evidence-based plan of action for meeting each and all of the general duties. We will need to prioritise action on those areas of our work and issues that are most relevant to equality. We will need to demonstrate that we fully meet duties across all equality strands. We will need to consider the impact of the duties in respect of all our functions and policies and this includes work we do in partnership with others. The Equality and Human Rights Commission places great emphasis on action planning and delivery of priorities, as opposed to the development of the Scheme as an end in itself. The development of evidence-based and effective action plans for delivery and change in relation to equality are therefore paramount. Action plans will be developed as they relate to each equality strand, across each directorate together with appropriate engagement.

3.0 The Equality Act 2010

3.1 The first part of the new Equality Act 2010 will come into force on 1 October and replaces the existing anti-discrimination laws with a single Act. The Act will also include a new public sector equality duty, (currently under consultation) replacing separate duties on public bodies relating to race, disability and sex equality and also covering age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment more fully. The GPhC is likely to be named as a ‘public authority’. Although we will be required to comply with the general duties under the Act by April 2011 we will be afforded time to familiarise ourselves with the requirements of the specific ‘public authority’ duty and will not immediately be required to publish equality objectives and measures of success. However, we will be required to publish equality-related data which will come into force with the Act.

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1 The Equality Bill was published on 27 April 2009 and became an Act of Parliament on 8 April 2010. The provisions in the Equality Act 2010 will come into force at different times to allow time for the people and organisations affected by the new laws to prepare for them.
4.0 Engagement

4.1 We will need to put sufficient information in our final Scheme to be able to demonstrate that we understand what the most important issues are for our organisation in relation to the equality strands. Whilst the gender duty requires public bodies to consult stakeholders, to meet the requirements of the Disability Equality Duty we need to include a statement of how we have involved disabled people. The involvement obligation requires the ongoing participation of disabled people throughout the process of developing the Scheme and its implementation.

4.2 A Disablement Association has agreed to support us in the development of our Scheme. A meeting has been arranged to take place on 6 September and the Council will be provided with a verbal update.

5.0 Communications Implications

5.1 Communicating the Scheme and related action plans will need to form part of the GPhC’s Communications Strategy. How this is done will be detailed in the action plans.

6.0 Resource implications

6.1 A commitment to effective equality and diversity has significant resource implications for the GPhC. However, specific resource implications will be determined by the approach taken to implement the Scheme that will be detailed in the action plans.

6.2 The development and implementation of the Scheme requires extensive engagement and ongoing involvement with staff, registrants and those who share a relevant protected characteristic. The development of such engagement processes will require resources both in terms of staff time and financial resources to support focus group, meeting activities etc and expenses. If the Council agrees the Scheme further investigation will be undertaken into this area and this will form part of the action plans.

7.0 Risk implications

7.1 Failure to adopt the Scheme incurs the following risks:

- the GPhC may be prosecuted under the Equality Act 2010
- equality and diversity perspectives of persons who share a relevant protected characteristic do not inform the GPhC’s work, and so the
Council does not optimise the public benefit of its efforts
  • The GPhC does not secure the confidence of the public.

Recommendations

The Council is asked to agree:

i. the initial Equality Scheme at Appendix 1.

Vanda Thomas, Patient and Public Involvement Manager, RPSGB
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6 September 2010
Appendix 1

Draft Equality Scheme

Equality Scheme
Foreword

The new General Pharmaceutical Council (GPhC) has recently replaced the Royal Pharmaceutical Society of Great Britain as the regulator for pharmacists, pharmacy technicians and pharmacy premises. The trust that patients and the public place in pharmacists and pharmacy technicians, and in pharmacies, can and should be underpinned by an independent assurance about the safety and standards of the care and services on offer.

We have developed this Equality Scheme as the first of three phases in embedding and promoting equality and diversity within our organisation. Our equality work plans demonstrate our commitment not just to meeting legislative requirements, but also to the active promotion and valuing of diversity.

We have a duty to involve disabled people in the development of our Scheme but we are going beyond this requirement to effectively involve all the ‘protected’ equality groups as well as marginalised people. We encourage you to take a look at the Scheme and let us know if you think we’ve got it right, it could be that you agree or disagree with the Scheme or it may be that you think there are better ways of achieving the stated aims and priorities in our action plans. Whatever your thoughts, we would very much like to hear them.

Bob Nicholls CBE
Chair

Duncan Rudkin
Chief Executive and Registrar
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General Pharmaceutical Council  
Equality Scheme

1. INTRODUCTION

What we do

The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and pharmacy premises. It is our job to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmaceutical services.

The GPhC is a newly established regulator which has taken over regulation of pharmacy professionals and pharmacy premises from the Royal Pharmaceutical Society of Great Britain. Our purpose is to protect and promote the health and safety of patients and the public by assuring the maintenance and development of safe and effective pharmacy practice in Great Britain. We will also contribute to the continued development of trust and confidence in pharmacy by patients and the public and other health professionals.

We aim to secure the confidence of patients, the public and pharmacy professionals by being a healthcare regulator that demonstrates effectiveness and efficiency and supports innovation in delivering its functions. We will ensure that our values are at the heart of everything we do and as a regulator we will endeavour to:

(a) be focused on improvement
(b) be responsive to change
(c) develop policies that are inclusive
(d) be independent and fair.

(e) demonstrate respect for others
(f) ensure that regulation is proportionate

Our commitment to equality and diversity

We are committed to promoting equality and valuing diversity in all our work as a healthcare regulator. We will:

- ensure that our policies and procedures are transparent, free from discrimination and fair to all individuals and groups regardless of their ethnic origin, race, gender, disability, sexual orientation, religion and belief or age, marriage and civil partnerships, pregnancy and maternity.

- provide the Council members, our staff and those carrying out work on our behalf with appropriate training on our equality Scheme and how to put it into practice.
• use equality impact assessments to ensure that our policies and procedures are developed in ways that seeks to eliminate as far as possible any adverse impact on particular groups
• involve stakeholders in developing our equality Scheme and impact assessment procedures
• develop action, communication and engagement plans to support the implementation and monitoring of the Scheme. These plans can be found in the appendices.
• ensure that breaches of the equality Scheme are dealt with under the GPhC’s disciplinary procedure

2. COUNCIL, COMMITTEES AND STAFFING

The Council

The role of the Council is to oversee the provision of regulation that ensures public protection and keeps pace with change; to set standards within the profession, targeting those areas of greatest need; and to maintain a single, comprehensive register. The 14-strong Council is composed of equal numbers of pharmacy professionals and lay people. Lay people bring in knowledge from outside the profession and help to ensure public focus, openness and transparency.

To reinforce independence, and to ensure transparency in decision-making, our Council is appointed rather than elected. Members are appointed by the Appointments Commission on behalf of the Privy Council to ensure a balance of qualities, skills and experience, and to reflect the diversity of the public and of the pharmacy profession.

We cover England, Scotland and Wales. In order to reflect differences in health service delivery, the Council includes at least one person who lives or works in each of the three participating countries.

The Committees

There are three statutory committees established under the Pharmacy Order 2010: The Investigating and Appeals Committees both of which consist of 10 permanent members and the Fitness to Practise Committee, members of which are chosen from a pool consisting of 32 permanent members.

Directorates

We employ approximately 100 staff most of whom are based in Central London. There are approximately 30 members of inspectorate staff based throughout England, Scotland and Wales. The General Pharmaceutical Council is divided into directorates each led by a member of the Executive Team:

The Regulatory Services Directorate incorporates: education and quality assurance; registration, statutory committee secretariat, fitness to practise and the inspectorate. The Policy and Communications Directorate incorporates: communications, policy, standards, the standards advisory team, stakeholder engagement, and patient and public engagement. The Resources and
Corporate Development Directorate incorporates: finance, human resources, information technology, procurement, governance, and the Council secretariat.

Those who work on our behalf

These groups work on our behalf and have responsibilities under the race, gender and disability equality duties but are not employees. They are generally known as General Pharmaceutical Council Associates:

- Continuing Professional Development Reviewers
- Accreditation Panel members
- Assessment Board members
- Registration Evaluators
- Overseas Panel members
- Medical Assessors
- Investigating Committee members
- Fitness to Practise Committee members
- Appeals Committee members
- Legal Advisers
- Clinical Advisers
- Appointments Committee members
- Public Liaison Group members

3. CHARACTERISTICS OF THE PROFESSION

There are approximately 40,000 pharmacists and 8,000 pharmacy technicians on the GPhC Register. Overall 50% of registrants are female and 49% male. However, amongst registered pharmacists, 57% are female and 42% male. Almost half of the pharmacists on the Register are aged under 40 years. Female pharmacists are younger than males – 55.2% are aged less than 40 years, compared with 40.7% of males. Of all registered pharmacists and pharmacy technicians 63% are White, 17% Asian, 3% Black and just under 3% were of Chinese origin. 10% of registrants were recorded as “ethnic origin unknown”.

Overseas Registrants

The current register shows that approximately 3,000 (7%) of registered pharmacists had qualified overseas. Pharmacists who entered the register via an overseas route were on average younger than home pharmacists (38.8 years versus 42.6 years). The majority (95.2%) from Europe are of white origin, as were a large proportion (78.1%) of those who had entered via the reciprocal route. 38% of those who entered through the adjudication route (required to complete a period of study, followed by pre-registration training and examination) were of black ethnic origin.

4. VISION AND VALUES

Our equality Scheme is designed to complement our Vision and Strategy document (available to download at: [http://www.pharmacyregulation.org/imagesandvideos/visionandstrategy2650.pdf](http://www.pharmacyregulation.org/imagesandvideos/visionandstrategy2650.pdf)) and is a firm statement of both our business aims and our values.
5. AIMS OF THE SCHEME

The Scheme aims to help us to:

- ensure that all our services are free from discrimination;
- promote equality of opportunity;
- promote good relations between people from different racial groups;
- promote participation of disabled people;
- promote positive attitudes towards disabled people;
- take account of disabled persons’ disabilities even if this means treating disabled people more favourably;
- treat pharmacy professionals, complainants, current and prospective council members, staff and job applicants solely on the basis of their merit, abilities and potential and relevant legal requirements;
- foster mutual respect and trust; and
- communicate and monitor our equality Scheme effectively.

6. HOW WE WILL DEVELOP THE SCHEME

Planning and Priorities

The Scheme will be reviewed as new codes of practice and duties come into force in relation to the Equality Act 2010 currently enacted and due to come into force. As a new regulator this is our first attempt at producing a joint equality Scheme. The Scheme will be updated with practical examples and aggregated data as we fine tune our data collection methods. In producing the new GPhC Rules, equality impact assessments were carried out and published. Emerging themes related to: capturing and analysing data in relation to the equality groups, in each area of our work; reviewing Council policies to ensure that they include our commitment to fairness and inclusivity for the six equality strands; reviewing GPhC documentation to ensure that they are produced in different formats, particularly large print; and, rolling out equality and diversity training. We will ensure that these themes are incorporated into our priorities for action planning.

Currently all papers going before the Council members for discussion are required to consider equality and diversity implications.

Involvement and engagement

To ensure that the Scheme is developed in conjunction with our stakeholders we have started to plan involvement opportunities. We are developing a staff focus group and registrants’ panel to help us to develop as a fair and equitable regulator. In our efforts to meet our public duties we are effectively engaging with those from the protected equality strands including: a disabled association, a BME umbrella organisation and our public liaison group – a diverse group of members of the public and representatives of patient organisations.

7. LEGISLATION AND OUR EQUALITY SCHEME

Under the Equality Act 2010 we are required to prepare and publish a Disability Equality Scheme, showing how we intend to fulfill our general duties. As a best practice approach we are going beyond these and the current statutory requirements to publish an Equality Scheme ("the scheme") and apply the same principles to our policies on:
• disability equality;
• race equality;
• gender and sexual equality;
• religion and belief equality; and
• age equality
• marriage and civil partnership
• pregnancy and maternity

This Scheme outlines what we are required to do under current and recently enacted, legislation and also describes the steps we have taken and will take in order to ensure that we do not discriminate against people unlawfully. The Scheme encompasses policy statements in relation to various groups but is a single Scheme, as many of the steps we might take to avoid or mitigate any adverse impact would be relevant to some or all of these groups. Our Scheme shows how we are working to achieve this.

**Current Race Equality Duties**

The General Pharmaceutical Council has statutory “general duties” under the current Race Relations Act 1976 (as amended) and is required, in carrying out its functions, to have regard to the need:

a. to eliminate unlawful discrimination
b. to promote equality of opportunity and good relations between persons of different racial groups

Under the currently enforced Race Relations Act 1976 (statutory duties) Order 2006 we have a “specific duty” to:

a. publish a Race Equality Scheme, showing how we intend to fulfill the general duty and duties under the Act

**Race Equality**

Our race equality policy is specific to issues relating to race and ethnicity.

In addition, as an approach to best practice and fulfilling our general duty as both a public service provider and an employer, we will:

a. review our functions and policies and consider whether they have implications for race equality;
b. give priority where the need for action is greatest and to those functions and policies of ours which have the greatest potential to affect different racial groups;
c. work with representatives of racial and ethnic groups to help ensure that our services meet their needs and to improve access to those services;
d. maintain systems to allow us to monitor the effects of our policies and any changes made to them, on different racial groups; and
e. promote access to information and services, where appropriate, through the use of translation and interpretation services.

As an employer we will:
- welcome and encourage job applications from people with ethnic minority backgrounds;
- monitor our employees and job applicants by ethnicity so as to identify and address any adverse impact of our policies on the promotion of equality amongst different racial groups; and
- ensure that any allegations of racial discriminations or harassment are investigated thoroughly, speedily and sensitively.

Current Gender Duties

The current enforced Sex Discrimination Act 1975 (as amended) requires us, as a “general duty” in carrying out our functions to have due regard to the need to:

a. eliminate unlawful discrimination and harassment
b. promote equality of opportunity between men and women

The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 requires us to prepare and publish a Gender Equality Scheme, showing how we intend to fulfill the general duty and duties under the Act.

Gender and Sex Equality

The existing Sex Discrimination Act 1975 makes it unlawful to discriminate without justification on the grounds of gender. The Sex Discrimination (Gender Reassignment) Regulations 1999 extends that protection to people undergoing or who have undergone gender reassignment. The Equality Act 2006 makes it unlawful, in the exercise of public functions to discriminate on the grounds of gender or sexual orientation.

We have a general duty to have due regard for the need to promote equality between women and men and to eliminate unlawful discrimination and harassment on the grounds of gender, gender reassignment or sexual orientation when carrying out our functions.

Our gender and sex equality policy aims to promote equality for women and men and to eliminate unlawful discrimination and harassment on the grounds of gender, gender reassignment or sexual orientation.

In addition, as an approach to best practice and fulfilling our general duty as both a public service provider and an employer, we will:

- seek to ensure that our services and guidance are non-discriminatory and do not make unnecessary assumptions about people based on gender or sexual orientation;
- confront homophobic attitudes, behaviour and language and encourage understanding of individual attributes and rights;
- ensure that our pay and rewards system is fair and transparent and that any equal pay issues are resolved effectively;
- ensure that flexible working policies apply equally to men and women and that personnel policies apply to staff regardless of sexual orientation;
- monitor our employees and job applicants by gender so as to identify and address any adverse impacts on particular groups;
- ensure that any allegations of discrimination or harassment on the grounds of gender reassignment or sexual orientation are investigated thoroughly, speedily and sensitively.
Disability Duties

The General Pharmaceutical Council is required under the existing Disability Discrimination (Public Authorities) (Statutory Duties) Regulation 2006 to prepare and publish a Disability Equality Scheme, showing how we intend to fulfill the general duty and duties under those Regulations. Under the currently enforced Disability Discrimination Act 1995 we are required, in carrying out our functions, to have due regard to:

a. the need to eliminate unlawful disability discrimination
b. the need to eliminate disability-related harassment of disabled persons
c. the need to promote equality of opportunity
d. the need to take steps to take account of disabled persons’ disabilities, even where that involves treating disabled persons more favourably than others
e. the need to promote positive attitudes towards disabled persons, and
f. the need to encourage participation by disabled persons in public life

Disability Equality

Our disability equality policy is specific to issues relating to disability. In order to promote equality of opportunity for disabled people, we will:

- look at the extent to which our functions and services take account of the needs of disabled people;
- consider the effect of our policies and practices on the opportunities for disabled people;
- gather information in relation to recruitment, development and retention of disabled employees;
- promote access to information and services;
- ensure that, as far as possible the Society events are held in premises with appropriate facilities for disabled people;
- welcome job applications from disabled people;
- undertake, wherever possible to retain employees who experience disability, by making reasonable changes to their duties or working environment; and
- ensure that any allegations of discrimination or harassment on the grounds of disability are investigated thoroughly, speedily and with sensitivity.

Religion and Belief Equality

Our religion and belief policy is specific to the concerns of people from different faith groups.

The present Equality Act 2006 makes it unlawful to discriminate without justification on the grounds of religion or belief by treating a person less favourably or by subjecting them to victimization of harassment.

In order to promote equality between people from different faith groups we will:

- where reasonably practicable, ensure that meetings, hearings and events do not coincide with cultural or religious festivals or holidays where this would prevent people from attending;
• ensure that leave is not withheld unreasonably from employees who wish to celebrate cultural or religious festivals or holiday;
• not impose dress restriction on employees which may be discriminatory unless such restrictions can be justified objectively in terms of meeting a legitimate health and safety or business aim;
• seek to ensure that food provided at meetings and events will meet the needs of those attending;
• where reasonably practicable, ensure that the needs of those who require a place for prayer are appropriately met; and
• ensure that any allegations of discrimination or harassment on the grounds of religion or belief are investigated thoroughly, speedily and sensitively.

Age Equality

The present Employment Equality (Age) Regulations 2006 makes it unlawful to discriminate without justification on the grounds of age in employment and vocational training. Age discrimination may occur because assumptions are made about older or younger people based on inaccurate or inappropriate stereotypes.

We will:

• seek to identify and meet the needs of different age groups, particularly older people and children when we provide services;
• welcome job applications from older and younger people;
• gather information in relation to recruitment and development of employees of all ages;
• where circumstances permit support employees who wish to work beyond the mandatory retirement age of 65, so as to retain their knowledge and skills in a manner that benefits both parties; and
• ensure that any allegations of discrimination or harassment on the grounds of age are investigated thoroughly, speedily and sensitively.