

# Strengthening pharmacy governance

December 2022

## Introduction

Following the introduction of recent legislation, the General Pharmaceutical Council (GPhC) and the Pharmaceutical Society of Northern Ireland (PSNI), will be taking forward important work to strengthen pharmacy governance.

This means that the GPhC can now outline in secondary legislation (rules), the essential roles and responsibilities of Responsible Pharmacists (RPs), as well as setting professional standards for Chief Pharmacists (CPs), Superintendent Pharmacists (SPs), and RPs. The standards will include a description of professional responsibilities and set standards of conduct and performance in relation to them.

The legislation giving the power to the GPhC and PSNI to do this work was developed on a UK-wide basis in collaboration with all four health departments and will apply across the UK.

## Who we are and what we do

The GPhC regulates pharmacists, pharmacy technicians and registered pharmacies in Great Britain.

- We set standards for pharmacy professionals and pharmacies to ensure people receive safe and effective care
- We seek assurance that these standards are met, including by inspecting pharmacies
- We act to protect the public if there are concerns about a pharmacy professional or pharmacy on our register

Our main job is to protect, promote and maintain the health, safety, and wellbeing of members of the public by upholding standards and public trust in pharmacy.

Our role and functions are set out in the [\*\*Pharmacy Order 2010\*\*](#).

## The legislation: pharmacy orders 2022

### **The Pharmacy (Preparation and Dispensing Errors – Hospital and Other Pharmacy Services) Order 2022**

The purpose of this Order is to extend the defences that already apply to pharmacy professionals working in registered pharmacies, to registered pharmacy professionals working in hospitals, and other relevant pharmacy settings, such as care homes and prisons. To benefit from the defences the hospital (or relevant setting) must have a Chief Pharmacist.

Under this Order, the GPhC will be able to set professional standards for CPs, including a description of their professional responsibilities. While some of the requirements of the role of CPs are specified,

amendments will also be made to the Pharmacy Order 2010 which will allow the GPhC to describe CPs' responsibilities and set standards of conduct and performance in relation to them.

Work on this Order will begin in January 2023 by engaging extensively with the pharmacy and health sector, particularly with those healthcare professionals working in hospitals and relevant settings, and patients and the public, to discuss the requirements and expectations around this significant leadership role, and how it is evolving in a wide range of very diverse organisations and service structures.

We recognise that pharmacy professionals, pharmacy owners and patients and the public are likely to have a wide range of strong views about what the standards for CPs should say; we are committed to listening carefully to all views expressed and considering what approach would best support safe and effective pharmacy provision.

As an organisation we are committed to holding extensive public engagement and consultation; we will engage with our stakeholders before drafting and consulting on the standards for CPs.

In the autumn of 2023, after analysing the feedback from our stakeholders, we will move onto drafting the professional standards for CPs and holding a full public consultation to make sure these standards reflect the views and needs of patients and the public, health professionals, the NHS and the wider health sector. Although we will be producing specific standards for CPs, they will also be subject to our general **standards for pharmacy professionals**, which describe how safe and effective care is delivered through 'person-centred' professionalism.

### **The Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2022**

This Order gives powers to the GPhC and the PSNI to define in rules, the role and responsibilities of RPs, and also to set out in professional standards how the roles of RPs and SPs are to be fulfilled.

This will mean that pharmacy practice standards are set and enforced by the pharmacy regulators, instead of by Government legislation and the criminal courts.

We support the Government's view that this Order will help to put in place the necessary system governance framework to develop the potential of community pharmacy and make better use of the skill mix of pharmacy teams, to deliver more clinical services in the community, as well as supporting wider NHS/health and social care capacity.

Professional standards will also be quicker and easier to update than having to update legislation; this will enable us to respond quickly to changes in pharmacy practice, which will support the needs of health services and patients.

It also means that if our standards are not met, we can take action such as fitness to practise proceedings and/or registration sanctions, rather than relying on criminal proceedings. A sanctions regime more reliant on regulatory action by the relevant regulator, rather than criminal sanctions, is also more likely to support transparency of identifying problems and a collaborative approach to seeking solutions.

Work on this Order will begin in January 2023 by engaging extensively with the pharmacy and health sector, and patients and the public, to discuss the requirements and expectations around these two significant leadership roles. As with CPs, we are aware that our stakeholders are likely to have a wide range of strong views about what the rules and standards should say. We are committed to listening carefully to all views expressed and considering what approach would best support safe and effective pharmacy provision.

After we have analysed the feedback from our stakeholder engagement, we will move onto drafting the rules for RPs, and the professional standards for SPs and RPs. The purpose of the standards is to set out how the role and responsibilities of RPs and SPs are to be fulfilled. We will hold a full public consultation to make sure that the rules and the standards reflect the views and needs of patients and the public, health professionals, the NHS and the wider health sector. SPs and RPs will also be subject to our general standards for pharmacy professionals. As the role and responsibilities of CPs will broadly mirror those of SPs, and the role and responsibilities of the SP will impact those of the RP, it is proposed that the standards for CPs, RPs and SPs will be developed in parallel.

A final round of stakeholder engagement will then take place before the rules and standards go to the Secretary of State for final approval.

### **Safeguards**

The Orders include safeguards requiring GPhC and PSNI to consult on the rules and standards. They state that before making rules under section 72A, the GPhC and PSNI must publish draft rules and invite representations from Ministers and other appropriate persons to consult on those draft rules.

The GPhC and PSNI are committed to engaging extensively with all relevant stakeholders, including Ministers, the pharmacy and health sector, patients, and the public.

In addition, the Order states that ‘the General Pharmaceutical Council and the Council of the Pharmaceutical Society of Northern Ireland must have regard to the principle that the burdens imposed on businesses by rules or regulations should be the minimum necessary to secure the benefits, considered in general terms, which are expected to result from the rules or regulations.’

It should also be noted that the resultant rules and standards cannot enter into force until approved by the Privy Council and will then be subject to the “negative resolution” scrutiny procedure in the UK Parliament and approval by the Secretary of State.