

John McDermott  
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By email: [john.mcdermott@professionalstandards.org.uk](mailto:john.mcdermott@professionalstandards.org.uk)

8 November 2017

Dear John

## **Consultation on the Authority's requirements for 2018/19 in respect of its regulatory oversight and standards functions**

We welcome the opportunity to respond to this consultation. Please see our responses to the specific consultation questions below.

### **1. Do you think that our proposals for our work in 2018/19 are reasonable?**

Yes. The proposals set out for 2017/18 appear reasonable and within the scope of the Authority's role in respect of its regulatory oversight and standards settings workstream.

### **2. Are you aware of any legislative changes for example section 60 orders you are proposing that will impact on the Authority in 2018/19?**

One of our key priorities is to further develop our approach to inspecting registered pharmacies to provide greater assurance to people using pharmacy services and encourage continuous improvement in quality. Secondary legislation passed through Parliament last year, which would enact some of the powers in the Pharmacy Order relating to regulation of registered pharmacies. We are now waiting for the Commencement Order to be made by the Privy Council and we will hold a public consultation on how we would use these new powers before we begin to use them. We do not consider there will be an impact on the Authority in 2018/19 as our work in relation to registered pharmacies is currently outside the scope of the regulatory and standards setting workstream. However, we are keen to discuss and explore with the Authority whether this continues to be the right approach, especially at a time when there are ongoing discussions about the future of the Standards of Good Regulation.

**3. Do you think that our assumptions regarding the number of section 29 cases we will receive are reasonable? Can you provide us with estimates of the number of cases you will conclude during the year ahead?**

We have no specific comments in relation to the predicted increase in cases subject to review by the Authority, including the likely impact of the new processes being introduced by another regulator.

As to the numbers of cases we are likely to conclude during the year ahead, it is important to note that in 2016/17 we received 1,889 concerns, 50 fewer than in 2015/16<sup>1</sup>. We have seen a small increase in cases in the last quarter, however, case numbers can fluctuate. We are not however predicting any significant change in case load and do not anticipate that this will increase beyond 2000-2100 cases in the year ahead.

Finally, while we appreciate the work involved in scrutinising FtP determinations, we would again highlight that the Authority has to date only appealed one of the GPhC's final FtP decisions.

**4. Do you think that our assumptions regarding the recovery of costs are reasonable?**

The assumptions appear reasonable and we note they are based on recent data.

**5. Do you agree with our proposed budget?**

Yes – on the basis that the fees will be used only to fund the statutory functions of regulatory oversight and standard setting.

We are satisfied with the explanation of budget changes (most notably the need to make provision for year one of the costs of replacing the section 29 database; the need to invest in the quality, recruitment and retention of staff; and, the need to make provision for loss of income should one of two tenants decide not to renew their lease). Although the budget proposed in the 2017/18 consultation was adjusted to reflect that the Authority's tenant did renew its lease for a further year, we are curious as to why the arrangements for one tenant continue to be an ongoing issue. We note that the tenant reconsiders its lease each October, which we understand may have an impact on the Authority's requirements in terms of timing.

If you would like to discuss our response further, please do not hesitate to contact me.

Yours sincerely,

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<sup>1</sup> <https://www.pharmacyregulation.org/news/our-2016-17-annual-report-now-available>

A handwritten signature in black ink, reading "Duncan Rudkin". The signature is written in a cursive style with a prominent loop at the end of the name.

Duncan Rudkin  
**Chief Executive and Registrar**

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