

# Good decision making: conditions bank

January 2016



The General Pharmaceutical Council is the regulator for pharmacists, pharmacy technicians and registered pharmacies in England, Scotland and Wales.

# About us

The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in England, Scotland and Wales. It is our job to protect, promote and maintain the health, safety and wellbeing of members of the public by upholding standards and public trust in pharmacy.

## Our principal functions include:

- approving qualifications for pharmacists and pharmacy technicians and accrediting education and training providers
- maintaining a register of pharmacists, pharmacy technicians and pharmacy premises
- setting standards for conduct, ethics, proficiency, education and training, and continuing professional development (CPD)
- establishing and promoting standards for the safe and effective practice of pharmacy at registered pharmacies
- establishing fitness to practise requirements, monitoring pharmacy professionals' fitness to practise and dealing fairly and proportionately with complaints and concerns

We are committed to protecting, promoting and improving the health and safety of people who use pharmacy services in England, Scotland and Wales. An important part of that role is dealing with the small number of pharmacists and pharmacy technicians who fall short of the standards that the public can reasonably expect from healthcare professionals.

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# 1 Introduction

## What this document is about

- 1.1 This document explains what conditions are for and lists the conditions that a fitness to practise committee (FtPC) can impose.

## Who this document is for

- 1.2 This guidance is aimed at:
- FtPC members who are responsible for assessing cases and writing conditions, and
  - registrants who have had a concern raised about them or had conditions imposed

It will help people who are involved in investigating cases, and in monitoring registrants who have had conditions applied to their practice. This includes:

- case workers, senior caseworkers, paralegals and lawyers in the professionals regulation (fitness to practise) team
- professionals regulation managers
- the head of professionals regulation (fitness to practise)
- the monitoring and concerns manager
- the head of quality, monitoring and concerns

- 1.3 It will also be useful to anyone who is interested in the fitness to practise process.

## Equality and diversity

- 1.4 The GPhC is committed to promoting equality, diversity and inclusion when it does its work. We value diversity and individuality in our staff, the profession and our council. Our aim is to make sure that our processes are fair, objective, transparent and free from discrimination, and that all stakeholders receive a high level of service. We keep to the principles set out in the Equality Act 2010 and have developed an **equality, diversity and inclusion scheme**.
- 1.5 All GPhC staff are expected to demonstrate our values and to work towards these aims at all times during the fitness to practise process. The GPhC will act in accordance with the rights set out in the European Convention on Human Rights (ECHR) as incorporated into domestic law by the Human Rights Act 1998.

## 2 About conditions

- 2.1 We have produced this bank to help the FtPC decide what conditions to apply, and to write conditions that are workable for the registrant, and that are enforceable and clear. This document should be read alongside the decision-making guidance *Good decision making: fitness to practise hearings and sanctions guidance*.<sup>1</sup>

### What are conditions?

- 2.2 Conditions are one of a number of sanctions that can be imposed on a registrant by an FtPC. They can also be imposed at an interim order hearing. The aim of conditions is to protect the public, but they can also be imposed if they are in the public interest or in the interests of the registrant concerned.<sup>2</sup>
- 2.3 Conditions apply to a registrant's future practice. They may include restrictions on a registrant's practice, or a commitment to practise under supervision or to undergo retraining. They provide protection for patients and the public, while allowing a registrant to continue practising and to deal with any areas that need improving.

### When to consider conditions

- 2.4 Before imposing conditions the FtPC should be satisfied that the public will be protected and will not, directly or indirectly, be put at risk. The FtPC should only consider conditions when it is able to write appropriate and practical conditions – for example, those that fit with the registrant's normal working environment, or directly link to the improvement needed.
- 2.5 Conditions must put the responsibility to comply (keep to the conditions) on the registrant, and must be enforceable. In health cases, the FtPC must be satisfied that:
- the registrant's medical condition can be properly managed by conditions
  - the registrant has genuine insight into his or her health problems, and
  - the registrant will comply with conditions relating to his or her medical condition
- 2.6 Conditions may be appropriate in cases involving a registrant's health or performance, or when there is evidence of shortcomings in a specific area or areas of a registrant's practice. Conditions are likely to be appropriate and workable if the registrant has shown insight and the FtPC believes the registrant has the potential to respond positively to conditions – for example, retraining or their work being supervised.
- 2.7 It is important that a registrant who has had conditions imposed clearly understands what they are expected to achieve. The FtPC should, therefore, always clearly set out the conditions that are to be complied with. It should also explain its reasons for imposing these conditions.

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1 [www.pharmacyregulation.org/sites/default/files/good\\_decision\\_making\\_-\\_fitness\\_to\\_practise\\_hearings\\_and\\_sanctions\\_guidance\\_june\\_2015.pdf](http://www.pharmacyregulation.org/sites/default/files/good_decision_making_-_fitness_to_practise_hearings_and_sanctions_guidance_june_2015.pdf)

2 Section 54(2)(e)Pharmacy Order

## Writing conditions

- 2.8 The FtPC must be sure that the conditions imposed can protect the public and bring about the improvement needed in a registrant's behaviour and practice. The aim of the conditions must be made clear enough for the registrant to know what is expected of them. The FtPC should clearly explain to the registrant what evidence it will need to be satisfied that conditions are being met – for example, evidence of the successful completion of any training courses, or reports from a supervisor or mentor.
- 2.9 Conditions should usually follow the format set out in the conditions bank. However, conditions can be tailored or created to fit the specific circumstances of each case. This could involve changing a condition in the bank or writing an entirely new condition.
- 2.10 When writing conditions, the FtPC must consider:
- the risks that need to be guarded against
  - how patients and the public will be protected from these risks, and
  - how compliance with the conditions can be demonstrated and monitored

## Monitoring and failure to comply

- 2.11 When conditions have been imposed, it is important for the GPhC to be assured that the registrant is complying with all the conditions, all the time. With this aim, the GPhC monitors and reviews all conditions imposed on registrants.
- 2.12 If a registrant has conditions imposed following an FtPC hearing, these will be monitored and reviewed by the monitoring and concerns team. If evidence suggests that these have not been complied with, or that the registrant's fitness to practise has otherwise worsened, the registrant will usually be referred for a review hearing so that appropriate action may be taken.
- 2.13 A case may be referred for an early review hearing if there is evidence that:
- the conditions are no longer needed
  - the registrant has failed to comply with a condition
  - the registrant's health or performance has deteriorated, or
  - further concerns have been raised



## Reviewing conditions

- 2.14 Conditions are applied to a registrant's registration for a set period and will be reviewed by an FtPC shortly before the period ends.
- 2.15 In most cases when conditions have been imposed the committee will need to be sure that the registrant is fit to go back to unrestricted practice, or to practise with other conditions or further conditions.
- 2.16 When a registrant's entry in the register is conditional upon their complying with conditions the committee may:<sup>3</sup>
- extend the period for complying with the conditions for up to 3 years starting from the time when the earlier period would have ended
  - add to, remove or vary the conditions
  - suspend the entry, for up to 12 months
  - remove the entry from the register
- 2.17 You can find more information on review hearings in the guidance ***Good decision making: fitness to practise hearings and sanctions guidance***.

## Confidentiality

- 2.18 Apart from conditions relating to health, the GPhC will disclose all conditions. See our **publication and disclosure policy**<sup>4</sup> for details of how long conditions are placed on the register and the circumstances in which the GPhC will disclose information about conditions.

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<sup>3</sup> Pharmacy Order 2010 Article 54(3)(b)

<sup>4</sup> [www.pharmacyregulation.org/sites/default/files/gphc\\_publication\\_and\\_disclosure\\_policy\\_vseptember\\_2014.pdf](http://www.pharmacyregulation.org/sites/default/files/gphc_publication_and_disclosure_policy_vseptember_2014.pdf)

### 3 Conditions bank

A	Standard conditions for all cases These conditions should always be part of a conditions of practice order	Confidential?	Notes
1	<p>You must:</p> <ul style="list-style-type: none"> <li>• tell the GPhC before you take on any position for which you must be registered with the GPhC</li> <li>• give the GPhC details of the role and the hours you will work each week, including locum or relief work</li> <li>• give the GPhC the contact details of your employer, superintendent pharmacist and/or pharmacy owner.</li> </ul>	No	
2	<p>You must tell the following people in writing about the restrictions imposed on your pharmacy practice, if you are doing any paid or unpaid work for which you must be registered with the GPhC. You should do this within two weeks of the date this order takes effect: [add or remove items in the list, as applicable]</p> <ul style="list-style-type: none"> <li>• all employers or contractors</li> <li>• agents acting on behalf of employers and locum agencies</li> <li>• superintendent pharmacists</li> <li>• responsible pharmacists</li> <li>• line managers</li> <li>• workplace supervisors</li> <li>• accountable officers for controlled drugs</li> </ul> <p>You must send the GPhC a copy of this notification.</p> <p>If you are applying for work, you must tell any prospective employer about the restrictions imposed on your pharmacy practice when you apply.</p>	No	<p>The FtPC should decide who are the specific people and organisations that need to be contacted. The list opposite is not a full one and will depend on the individual case.</p> <p>The list may also include:</p> <ul style="list-style-type: none"> <li>• the NHS England area team (for residents of England)</li> <li>• health boards (for residents of Scotland)</li> <li>• Wales local health boards (for residents of Wales)</li> </ul>
3	<p>You must tell the GPhC if you apply for work as a pharmacist or pharmacy technician outside Great Britain.</p>	No	

B Standard conditions for all health or substance misuse cases Consider if supervision, mentoring or practice restrictions are needed as well as these conditions		Confidential?	Notes
4	<p>You must:</p> <ul style="list-style-type: none"> <li>• put yourself, and stay, under the supervision of a GP/medical practitioner specialising in [area]</li> <li>• attend appointments as arranged</li> <li>• follow their advice, and</li> <li>• follow their recommended treatment</li> </ul>	Yes	The FtPC should say whether this should be a GP or a specialist.
5	You must give the GPhC the name and contact details of your GP and any other registered medical practitioner responsible for your care. You must also consent to the GPhC's writing to them about your health.	Yes	
6	You must arrange for the GPhC to receive medical reports from your GP/consultant every [number of months] months or when we ask for them. You must meet all the costs for attending consultations and providing medical reports. We will act reasonably in how often we ask for medical reports.	Yes	The FtPC should say who the report should come from.
7	You must get the written approval of your medical practitioner before taking on any post for which you must be registered with the GPhC. You must send the GPhC a copy of their written approval.	Yes	
8	You must keep your professional commitments under review and limit your pharmacy practice in line with your medical supervisor's advice.	Yes	
9	You must stop work immediately if your medical practitioner advises you to. You must tell the GPhC about this within seven days of getting the advice.	Yes	

	Physical and mental health	Confidential?	Notes
10	<p>You must not take on any [on-call duties/weekend work/out-of-hours work/extended-hours work/locum duties/relief duties].</p>	No	<p>If the FtPC selects 'extended-hours' and/or 'out-of-hours', it should specify the number of daily hours allowed and the acceptable start and end times. It should also consider how this may affect the registrant's ability to find work.</p>
11	<p>You must have occupational health assessments with a registered medical practitioner and comply with any recommendations they make. You must arrange for them to send reports to the GPhC every [number of months] months.</p> <p>You must pay the costs of these assessments.</p>	Yes	<p>An occupational health assessment is a medical examination carried out by an occupational health physician. Its usual aim is to answer questions raised by an employer. Mainly, the assessment aims to:</p> <ul style="list-style-type: none"> <li>• advise the employer about the employee's health issue, and</li> <li>• make recommendations on what adjustments could be considered to make sure there is a safe and healthy working environment for that employee</li> </ul> <p>It can also be an assessment of somebody's fitness to work.</p>

	Alcohol or substance misuse	Confidential?	Notes
12	You must arrange and undergo [type of test] for [both the recent and long-term consumption of alcohol and/or [drug]] every [number of months] months until this order ends. The results of these tests should be sent promptly to the GPhC. You must pay the costs of the tests.	Yes	Please consider the registrant's financial circumstances when setting this condition.  If hair testing, say what period the test should cover.
13	You must keep to arrangements made by, or on behalf of, the GPhC for the testing of [substance to be tested – if hair testing, specify the period the test should cover] for [both the recent and long-term consumption of alcohol and/or [drug]] every [number of months] months.	Yes	This should only be used for interim order cases. The GPhC will arrange the tests and meet the costs.
14	You must keep to arrangements made by, or on behalf of, the GPhC for the unannounced testing of [substance to be tested] for [both the recent and long-term consumption of alcohol and/or [drug]]. You must pay the costs of the tests.	Yes	This will allow the GPhC to arrange unannounced tests if it becomes apparent during the monitoring period that they would be beneficial.  If the FtPC would like unannounced testing to be carried out – regardless of the evidence received by the GPhC in the monitoring period – it should amend the condition by specifying how many tests are needed.  Committees should not set unannounced hair tests. Because they cover long periods, the 'unannounced' aspect is unlikely to yield any benefits.  This condition can be used for either interim order or principal hearing cases. The FtPC should not include the statement about payment for interim order cases

Alcohol or substance misuse		Confidential?	Notes
15	You must limit your alcohol consumption in line with the directions given by your medical supervisor/GP, abstaining completely if they tell you to do so.	Yes	
16	You must abstain completely from the consumption of [alcohol and/or [drugs]].	Yes	
17	You must not self-medicate (apart from over-the-counter drugs which do not need a prescription), and must take drugs only as prescribed for you by your GP or any registered prescriber responsible for your care.	Yes	

C	Standard conditions for all performance cases Consider if supervision, mentoring or practice restrictions are needed as well as these conditions	Confidential?	Notes
18	<p>You must work with [person] to draw up a personal development plan, specifically designed to deal with the shortcomings in the following areas of your practice:</p> <ul style="list-style-type: none"> <li>[area of concern]</li> </ul> <p>You must send a copy of your personal development plan to the GPhC within [number of weeks] weeks of the date this order takes effect.</p>	No	<p>The FtPC should specifically set out the areas of concern. It should also choose the relevant person.</p> <p>The person could be a supervisor or mentor and they should be a GPhC registrant.</p> <p>The person and the registrant need not work together face-to-face.</p>
19	You must arrange for [the person listed in 18] to provide a report on your progress toward achieving the aims set out in your personal development plan every [number of months] months.	No	The FtPC must insert the appropriate time period.

	Work supervision	Confidential?	Notes
20	<p>You must:</p> <ul style="list-style-type: none"> <li>• find a workplace supervisor (who must be a registered pharmacist or pharmacy technician) and put yourself, and stay, under their [direct/close/remote] supervision</li> <li>• ask the GPhC to approve your workplace supervisor within [number of weeks] weeks of the date this order takes effect. If you are not employed, you must ask us to approve your workplace supervisor before you start work</li> <li>• give the GPhC your permission to exchange information with your workplace supervisor about your efforts to improve your pharmacy practice</li> </ul>	No	<p>The FtPC should take into account the registrant's workplace arrangements and consider if supervision by a registrant is possible. They should also consider if the type of supervision (for example, 'close') is possible at the registrant's workplace.</p>
21	<p>You must arrange for your workplace supervisor to send a report on your progress and development directly to the GPhC every [number of months] months or when we ask for one. We will act reasonably in how often we ask for reports.</p>	No	<p>The FtPC must insert the appropriate time period.</p>
22	<p>You must not carry out [service/area of practice] unless directly supervised by a pharmacist.</p>	No	<p>In substance misuse cases, if the registrant is allowed access to controlled drugs, consider if you need to add conditions that relate to regular testing/medical reporting.</p> <p>The FtPC must insert the specific areas of practice and/or services. For example:</p> <ul style="list-style-type: none"> <li>• addiction services or transactions for the provision of addiction services</li> <li>• palliative care services or transactions for the provision of palliative care services</li> </ul> <p>This condition should be set along with condition 20.</p>

23	<p>You must arrange for your workplace supervisor to review the controlled drugs register for [name of pharmacy] and to provide a report to the GPhC on the following:</p> <ul style="list-style-type: none"> <li>• [issue]</li> </ul>	No	The FtPC must insert the specific issues.
24	<p>You must name a suitable pharmacist or technician to act as your mentor. You must ask the GPhC to approve your choice of mentor within [number of weeks] weeks of the date this order takes effect.</p> <p>You must ask for advice from and keep up regular contact with your mentor about the following:</p> <ul style="list-style-type: none"> <li>• [area/issue]</li> </ul> <p>This contact need not be face-to-face.</p>	No	<p>The FtPC must insert the specific areas/issues.</p> <p>The FtPC must insert the appropriate time period.</p> <p>Mentoring can involve: helping the registrant to identify ways to improve their performance and develop their skills and career; sharing expertise, values, skills and perspectives; providing insight into difficult issues; helping the registrant to find solutions to difficult issues; and developing action plans and assessing progress.</p>
25	<p>You must arrange for your mentor to write to the GPhC every [number of months] months to confirm that meetings are taking place.</p>	No	



	Training and appraisal	Confidential?	Notes
26	<p>You must undertake further training in the following areas:</p> <ul style="list-style-type: none"> <li>• [area of practice]</li> </ul> <p>The training is to be paid for by you. You must send the GPhC completion certificates. If you do not have these, you must arrange for written confirmation of completion from the course leader within 10 working days of the course being completed.</p>	No	<p>The FtPC should be clear about what the learning outcomes should be for the registrant, so they can decide whether a training course is the best way of achieving them.</p> <p>The FtPC should consider:</p> <ul style="list-style-type: none"> <li>• whether the registrant is allowed to work</li> <li>• whether they need close supervision while they are training, and</li> <li>• whether a workplace supervisor should provide a report after a certain period, describing the registrant's abilities after the training has been completed</li> </ul> <p>If the FtPC considers it necessary, it should set conditions 20, 21 and 22.</p>
27	<p>You must make arrangements straight away with your [line manager/superintendent pharmacist] for the appraisal of your pharmacy practice in the following areas:</p> <ul style="list-style-type: none"> <li>• [area of practice]</li> </ul> <p>You must take any action to change your practice within the timescales they recommend.</p> <p>You must arrange for your [line manager/superintendent pharmacist] to send a report to the GPhC about their appraisal and your efforts to take the actions they recommended.</p>	No	<p>The FtPC should consider patient safety and whether the registrant needs supervision until they have received advice and made changes to their practice.</p> <p>The FtPC must insert the specific areas/issues.</p>

Auditing areas of practice		Confidential?	Notes
<b>28</b>	<p>You must carry out [an] audit[s] of the following area(s) of your pharmacy practice every [number of months] months:</p> <ul style="list-style-type: none"> <li>• [area of practice]</li> </ul> <p>You must send a copy of your audit(s) to the GPhC every [number of months] months.</p>	No	The FtPC must insert specific areas/issues and say how often the audits should be done.
<b>29</b>	<p>You must keep a log detailing every [type of activity].</p> <p>You must send a copy of this log to the GPhC before the next review meeting. Or, if there have been no cases of [type of activity], you must confirm this in writing to the GPhC before the next review meeting.</p>	No	The FtPC must insert the specific areas relevant to the case.
Practice restrictions – general		Confidential?	Notes
<b>30</b>	You must not work as a sole practitioner/superintendent pharmacist/responsible pharmacist.	No	
<b>31</b>	<p>You must:</p> <ul style="list-style-type: none"> <li>• employ a full-time pharmacist to act as responsible pharmacist in your pharmacy</li> <li>• ask the GPhC to approve the person within [number of weeks] weeks of the date this order takes effect</li> </ul>	No	
<b>32</b>	You must have no involvement in the ownership or management of any pharmacy.	No	
<b>33</b>	You must limit your practice as a registrant to [number] [days/ hours] a week.	No	

	Practice restrictions – specific	Confidential?	Notes
34	You must not provide [type of service].	No	The FtPC must insert the types of service specific to the case, for example the supply of emergency hormonal contraception.
35	You must have no involvement in ordering, storing, dispensing or supplying any drug in Schedules 1, 2, 3 and 4 of the Misuse of Drugs Regulations 2001, except in life-threatening emergencies.	No	
36	You must have no involvement in ordering, storing, prescribing, dispensing, labelling or supplying any drug in Schedules 1, 2, 3 and 4 of the Misuse of Drugs Regulations 2001.	No	
37	You must have no involvement in providing pharmacy or healthcare services within the prison or criminal justice system or within [type] specialist hospitals and care homes.	No	
38	You must not provide clinical advice about alternative or complementary therapies or dispense any product connected with these therapies.	No	
39	You must not provide specialist clinical advice to other healthcare professionals.	No	
40	You must not practise as a qualified person, and you must send the GPhC evidence of the removal of your name from the register of qualified persons by [date].	No	The FtPC must insert the appropriate date.
41	You must not provide mail-order or online pharmacy services.	No	
42	You must have no involvement in ordering, storing, dispensing or supplying lifestyle drugs.	No	This includes drugs for treating impotency, male pattern baldness, obesity and smoking.
43	You must not practise pharmacy in any pharmacy where your [relative/family member] is involved in the running of the pharmacy.	No	

Practice restrictions – locum work, on-call duties, weekend work, extended hours		Confidential?	Notes
44	You must not work as a locum or relief [pharmacist/pharmacy technician].	No	
45	You must restrict your pharmacy practice as a locum to [geographical area] and/or [named pharmacy/named local health board].	No	
46	You must not work as a locum or relief [pharmacist/pharmacy technician] or carry out any out-of-hours work or on-call duties, unless approved by your medical practitioner or GP.	No	
General practice improvements		Confidential?	Notes
47	You must increase support staff levels in your pharmacy to make sure that: <ul style="list-style-type: none"> <li>• [improvement required]</li> </ul>	No	
48	You must make sure that [type of staff] are trained in [area of pharmacy practice], and send the GPhC evidence that they are doing the training, by [date].	No	
Chaperones		Confidential?	Notes
49	You must carry out all consultations with [male/female/vulnerable] patients in the presence of another pharmacist or pharmacy technician registered with the GPhC, or another registered healthcare professional, except in life-threatening emergencies.  If a patient does not want to have the chaperone present you should not proceed.	No	

<b>50</b>	You must keep a written record, made immediately afterwards, of all consultations with [male/female/vulnerable] patients. This must have clear entries of the name and qualification of the chaperone and each entry must be signed and dated by you and the chaperone. You must send this to the GPhC every [number of months] months, or when we ask for it, and at any review.	No	
<b>51</b>	You must not carry out any point-of-care testing.	No	This includes monitoring and testing connected with blood pressure, clotting, cholesterol, diabetes, obesity, atrial fibrillation, ear piercing and smoking cessation.
<b>52</b>	You must not carry out home visits.	No	
<b>53</b>	You must not work as a pre-registration tutor [for [number of months] months]/[during the time this order is in force]. You must tell the GPhC's registration department about the conditions of this order within two weeks of the date this order takes effect. You must also ask the GPhC for re-approval after this order ends.	No	
<b>54</b>	You must not be involved in the training of support staff/technicians.	No	
<b>55</b>	You must not supervise, employ or train any undergraduate or pre-registration pharmacy students.	No	

## More information

If you would like copies of this document in Welsh, please go to [www.pharmacyregulation.org/raising-concerns/hearings/committees/fitness-practise-committee](http://www.pharmacyregulation.org/raising-concerns/hearings/committees/fitness-practise-committee) where you can download a PDF.

If you are seeking this document in other formats, please contact our communications team at [communications@pharmacyregulation.org](mailto:communications@pharmacyregulation.org).

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