

Working in pharmacy when not on the register

Information for former registrants, staff and employers

Introduction

A person who is not on the GPhC register must not practise as, or represent themselves as, a pharmacist or pharmacy technician (paid or otherwise) in any setting¹. The Pharmacy Order 2010 says:

*'a person practises as a pharmacist or a pharmacy technician if, whilst acting in the capacity of or purporting to be a pharmacist or a pharmacy technician, that person undertakes any work or gives any advice in relation to the preparation, assembly, dispensing, sale, supply or use of medicines, the science of medicines, the practice of pharmacy or the provision of healthcare.'*²

Anyone working as a pharmacy professional without being registered puts themselves and people receiving care at risk. A person doing so commits an offence which could result in further regulatory proceedings or a criminal prosecution in line with the **GPhC's prosecution policy**.

This information is aimed at people who are no longer on the register but are continuing to work in a registered pharmacy or other related setting. It may also be useful for employers considering employing or continuing to employ staff that

were formerly on the register. It should not be viewed as a definitive legal statement on what activities, or roles, can be carried out by people who are no longer registered.

When we refer to people who are no longer registered this includes people who are subject to an interim order, or who are suspended or removed from the register (either by a statutory committee or voluntarily) or who have retired.

Legal restrictions on working roles

A person who is not on the register cannot carry out certain activities. However, there is no direct legal bar to them working as a member of the pharmacy team in a registered pharmacy, other than in a registered professional's capacity.

We understand that decisions on what roles and activities people who are not on the register may carry out can vary depending on the circumstances, and the setting in which they may be working. Those set out in legislation as explicitly restricted to pharmacists are listed in the following table. There is no equivalent list of activities that are restricted to pharmacy technicians.

¹ Pharmacy Order, article 3(2), 38, and Medicines Act 1968, section 78

² Pharmacy Order 2010, article 3(2)

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Restricted to registered pharmacists only	
Roles	<ul style="list-style-type: none">• Responsible pharmacist³• Superintendent pharmacist⁴• Pharmacist independent prescriber⁵• Pharmacist supplementary prescriber⁶• A prescriber writing prescriptions for certain veterinary medicines, although this can be done by others – that is, suitably qualified persons (SQPs) and veterinary surgeons⁷• Owning a registered pharmacy as an individual or as a pharmacist in a partnership of pharmacists. In England and Wales all the partners in a partnership must be pharmacists. In Scotland at least one of the partners must be a pharmacist⁸
Activities	<ul style="list-style-type: none">• The responsibility for the safe custody, and direct supervision, of controlled drugs⁹• Authorising the supply of certain veterinary medicines¹⁰• The responsibility for the sale of medicinal products (including General Sales List medicines)¹¹ from the registered pharmacy• The responsibility for the supply of medicinal products from a prescription (in circumstances corresponding to retail sale)¹²
By, or under the supervision of, a registered pharmacist	<ul style="list-style-type: none">• The sale and supply of pharmacy and prescription-only medicines¹³• The assembly, preparation or dispensing of medicines¹⁴• The sale of poisons¹⁵

³ Sections 70 – 72A of the Medicines Act 1968, and the Medicines (Pharmacies) (Responsible Pharmacist) Regulations 2008

⁴ Section 71 (6) of the Medicines Act 1968 sets out the requirements for the position of superintendent pharmacist

⁵ Regulations 213 and 214 of the Human Medicines Regulations 2012

⁶ Regulations 214 and 215 of the Human Medicines Regulations 2012

⁷ The Veterinary Medicines Regulations 2013

⁸ section 69 (1) (a) of the Medicines Act 1968

⁹ Misuse of Drugs Regulations 2001 and the Misuse of Drugs (Safe Custody) Regulations 1973

¹⁰ The Veterinary Medicines Regulations 2013

¹¹ Section 72A (1a) of the Medicines Act 1968 sets out the requirements for the responsible pharmacist

¹² Section 72A (1b) of the Medicines Act 1968 sets out the requirements for the responsible pharmacist

¹³ Regulation 220 of the Human Medicines Regulations 2012

¹⁴ Regulation 4 of the Human Medicines Regulations 2012 and section 10 of the Medicines Act 1968

¹⁵ The Poisons Act 1972 and the Control of Poisons and Explosives Precursors Regulations 2015

Discussions between employers and staff

By law all pharmacists and pharmacy technicians must be registered with the GPhC to practise in the UK. This helps to make sure that only appropriately qualified and skilled pharmacy professionals provide advice, services and care to patients and the public.

Staff members and prospective staff members should be open and honest with employers about their registration status. However, it is also important for employers to have candid discussions with the individual before employing or continuing to employ them.

Anyone who wants to continue to be involved in day-to-day pharmacy work on registered premises when no longer registered – including during the course of their suspension – must discuss this with their employer. In particular, staff that are temporarily suspended from the register should:

- provide the owner, superintendent pharmacist or chief pharmacist (or their equivalent) with the details of their suspension (or fitness to practise history)
- make sure any tasks delegated to them are done so in writing, for clarity. The written record should be provided to a GPhC inspector if one asks to see it
- consider, along with the owner, superintendent pharmacist or chief pharmacist (or their equivalent), when it is appropriate to tell patients or members of the public that they are a suspended, or removed, pharmacy professional
- discuss their working arrangements, including the tasks they will be carrying out, with their professional indemnity provider, if applicable

Employers are responsible for regularly checking the registration status and qualifications of pharmacy professionals they employ or want to employ. **The GPhC online register** makes it easy for employers to check current registration status and details of any conditions of practice or suspensions issued as a result of fitness to practise proceedings.

Employers who employ a person who is no longer on the GPhC register should make sure they have the appropriate skills, qualifications and competence for their role and the tasks they carry out. It may also be appropriate to carry out a risk assessment to highlight any issues that could affect a person's suitability to work in a pharmacy, including the need to meet the requirements of safeguarding legislation.

Employers should refer to the **GPhC standards for registered pharmacies** and:

- check the registration status and qualifications of a pharmacy professional that they employ or intend to employ
- consider what tasks are appropriate for the person, also considering any legal restrictions (including those covering medicines legislation, and employment and equalities legislation)
- consider very carefully whether any relevant fitness to practise history affects the person's suitability to work in any role in a pharmacy setting. For example substance misuse, sexual misconduct and so on

Review

This information will be reviewed regularly to take account of changes to the relevant laws and regulations.

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