

COUNCIL

Minutes of the meeting held on Tuesday 5 and Wednesday 6 June 2007 at 1 Lambeth High Street, London, SE1

Tuesday 5 June 2007

PUBLIC BUSINESS

Present

President	Mr H Patel
Vice-President	Mr G Alexander
Treasurer	Mr J Jolley

Mr S Acres	Ms S Agha
Mr M Astbury	Mrs C Brown
Mr J Buisson	Mr D Carter
Mr S Churton	Dr B Curwain
Professor S Denyer	Mrs D Drury
Dr P Entwistle	Mr J Gentle
Mr A Gush	Mr J Hanlon
Mrs S Hikins	Mrs L Jacobs
Mr R Jobling	Mr A Kershaw
Mrs S Kilby	Professor B Michell
Mrs L Morgan	Mr G Phillips
Ms J Ramsey	Ms M Saunders
Mr D Simpson	Mr D Thomson

In attendance

Mr P Bennett, Chairman, English Pharmacy Board, Mr P Jones, Chairman Welsh Pharmacy Board and Dr RM Parr, Chairman, Scottish Pharmacy Board

07/42 Apologies for absence

There were no apologies for absence.

07/43 Declaration of interests

The President reminded Council members that declarations of interest should be made by individual Council members at the beginning of the relevant item.

07/44 Welcome to guests

The President welcomed Marilyn Davies, Secretary, Morgannwg Branch; Brian Midcalf, Leeds Branch; Paul McGorry, Yorkshire Region and Preeti Sharma, Secretary, Hounslow & District Branch (Wednesday only).

07/45 Welcome to new Council members

The President welcomed new Council members Mr S Acres, Mrs C Brown, Mr S Churton, Mrs S Kilby and Ms J Ramsey. He also welcomed, to their second term of office, Mr G Alexander, Mr J Gentle, Mrs L Jacobs, Mr J Jolley and Mr A Kershaw.

07/46 Standing Orders of the Council

The Secretary & Registrar introduced paper 07.06/C/48, which had been circulated, confirming that there had been no amendments to the Standing Orders since last adopted by the Council in June 2006.

Council

adopted

the Standing Orders of Council, as set out in the Byelaws, Section VII.

07/47 Minutes of the public business part of the meetings of Council held on 27 and 28 March, 20 April and 16 May 2007

Council

resolved

that the minutes of the public business part of the meetings held on 27 and 28 March, 20 April and 16 May 2007 be received and agreed as a correct record.

07/48 Matters arising from the public business part of the minutes of 27 and 28 June: Consideration of cases for non-referral to the Infringements Committee (07/15.2 refers)

Mr Graham Phillips reiterated his concerns that the requirement to take the previous three years' relevant history into account when considering a dispensing error seemed to be at odds with the intention to encourage a no-blame culture regarding one-off dispensing errors.

Ms Mandie Lavin, Director Fitness to Practise & Legal Affairs, commented that, as noted by Council in March 2007, the criteria agreed would be reviewed following piloting and auditing of the arrangements.

07/49 Secretary and Registrar's report

07/49.1 Report of the working party on professional regulation and leadership in pharmacy

The Secretary & Registrar advised that the report of the *Working party on Professional Regulation and Leadership in Pharmacy* was published on 15 May 2007, together with a summary of NERA's economic evaluation and the report of the Department of Health's seminar which was held at the King's Fund. The Society was already working with other pharmacy stakeholders to develop a professional leadership body and had stated that the formation of that body should be led by the profession.

The Society wanted to ensure that:

- any new arrangements brought increased benefit to the public and the profession;
- any transition was properly managed and resourced, and there was no increased risk;
- there were sustainable long-term funding arrangements in place for both the regulatory and professional leadership functions;
- the pharmacy profession and key stakeholders were fully informed and consulted; and
- there would be strong, transparent governance arrangements for both regulation and professional leadership.

Professor Bob Michell asked to have recorded that, although it seemed from the report that the terms of reference of the working party had been clear from the outset, these had not been settled until the final meeting of the working party. Mr John Hanlon (one of the Council's nominees to the working party) confirmed that the late clarification of the terms of reference had been raised formally with the Department of Health.

Professor Bob Michell asked to have recorded that he was far from clear how the education, regulation or revalidation of veterinary pharmacists would be engineered in future, which he found particularly worrying, in view of the Government's policy to increase that area of pharmacy activity.

Mr Douglas Simpson asked for clarification regarding the Department of Health press release, which had stated that the report had been "endorsed by an independent working party." Mr Alan Kershaw asked for clarification of the phrase "independent working party".

The Secretary & Registrar stated that it was a matter for the Department of Health to clarify the meaning of the press release: it was the Department's report. The Society had welcomed the publication of the report.

The President stated that it should be the Society's membership that would decide the future of the Society.

Council

noted

the report.

07/49.2 Adoption of the Council Governance Handbook

Mr John Hanlon, Chairman of Governance Committee, introduced paper 07.06/C/49, which had been circulated. The Handbook had been amended to reflect the decisions of the Council during the period June 2006 to present.

Council

adopted

the Council Governance Handbook for 2007/08.

07/49.3 Report on the one hundred and sixty sixth Annual General Meeting of the Council

received

the report of the Society's 166th Annual General Meeting, which had been held on Wednesday 16 May 2007.

07/49.4 Minutes circulated since the April meeting of Council

Council

received

the minutes of the following committees

Science Committee	1 March 2007
Governance Committee	27 April 2007
English Pharmacy Board	13 April 2007
Scottish Pharmacy Board	18 April 2007
Welsh Pharmacy Board	26 April 2007

07/49.5 Resignation of a Council member

The Secretary & Registrar introduced paper 07.06/C/51A, which had been circulated. She formally notified the Council that Mr Colin Ranshaw, Council member elected in the national constituency for Wales, had resigned from the Council with effect from 23 May 2007.

The President, on behalf of the Council, thanked Mr Ranshaw for his work on the Council and as Chairman of the Conference Committee and a member of Infringements Committee and wished Mr Ranshaw well for the future.

Mr Peter Jones, Chairman of the Welsh Pharmacy Board, also thanked Mr Ranshaw for his support for the Welsh Pharmacy Board and his work in Wales on behalf of the Society.

The Secretary & Registrar informed the Council that, under the election Regulations, the Council had two options: to leave the place vacant until the 2008 Council elections or to hold a By-election.

Council

agreed

that a By-election be held as soon as possible.

07/50 Referrals from Education Committee

07/50.1 A quality management feasibility study for the Preregistration Scheme

Mr Graham Phillips, Chairman of Education Committee, introduced paper 07.06/C/52, which had been circulated. He reported that the Education Committee had welcomed the proposals as an exciting and flexible way of ensuring high quality education and training for preregistration students. In commending the feasibility study to the Council, Mr Phillips asked the Council to note that the study was part of the ongoing review of education which the Society was undertaking.

Council welcomed the proposals, particularly the focus on inter professional training and the advantages that such training brought to students.

On the recommendation of the Education Committee,

Council

approved

the proposal for a quality management feasibility study for the Preregistration Scheme

07/50.2 Fit for the Future phase two: revising the education of prospective pharmacists and pharmacy technicians

Mr Graham Phillips, Chairman of Education Committee, introduced paper 07.06/C/53, which had been circulated. In March 2007, the Council had agreed the principles, which had been developed from the first phase of work and which would underpin future work.

Council welcomed the paper and supported the process as proposed, specifically the iterative nature of the work which helped to ensure that stakeholders were fully engaged in the process.

Professor Bob Michell commented that there was no indication that future education of pharmacists would include companion animal pharmacy although

the government had indicated that it would look to high street pharmacies to deal with prescriptions for companion animals.

Mr Phillips commended the work of the Education Division in taking forward the Fit for the Future programme as a prime example of professional leadership by the Society.

On the recommendation of the Education Committee,
Council

accepted

the proposal for the second phase of the Society's education reform programme, *Fit for the Future*.

07/51 Referral from Law & Ethics Committee: Standards and guidance documents to support the revised code of ethics

Mr Douglas Simpson, Chairman of Law & Ethics Committee, introduced paper 07.06/C/53, which had been circulated.

The revised Code of Ethics for Pharmacists and Pharmacy Technicians, agreed by the Council in March 2007, was based on seven principles of ethical practice that would inform the conduct, performance and practice of all registered pharmacists and pharmacy technicians. The draft standards and guidance documents to support the revised Code had been widely consulted upon and responses had been supportive. It was intended to launch the supporting documents when the revised Code came into effect on 1 August 2007.

Council welcomed the publication of the supporting documentation.

A number of Council members made specific comments on parts of the documents.

On the recommendation of the Law & Ethics Committee,
Council

agreed

the seven documents circulated, subject to the proposed amendments as indicated by Council members.

07/52 Branch Representatives' Meeting (BRM)

Mr David Pruce, Director Practice & Quality Improvement, introduced paper 07.06/C/56, which had been circulated. He informed the Council that the next stage in the process was that the motions would be referred to the relevant committees to draft the responses, following which the Council would be asked to agree the responses at the meeting in October 2007.

The President informed the Council that he had asked that, where relevant, a section be added to the commentary to give a flavour of the debate.

Council

noted

the motions carried, amended and lost at the BRM meeting held on 18 May 2007.

- 07/53 Referral from Science Committee: Museum Access and Learning Policy**
Professor Stephen Denyer, Chairman of Science Committee, introduced paper 07.06/C/57, which had been circulated, commending it to the Council.
Ms Briony Hudson, Keeper of the Museum Collections, informed the Council that the policy required updating to reflect the wider access now available to the Museum following the refurbishment of the reception and conference areas and also to come into line with the new national standard to which the Museum would have to comply in 2008.
Council recorded its appreciation of the new display areas and the excellence of the displays.
On the recommendation of the Science Committee,
Council
approved
the updated Access and Learning Policy for the Society's Museum.
- 07/54 Voluntary Register of Pharmacy Technicians: health declarations**
Ms Janet Flint, Head of Support Staff Registration, introduced paper 07.06/C/58, which had been circulated. The paper proposed an amendment to the *Pharmacy Technicians (Voluntary Registration) Protocol 2006* in order to bring the policy on health declarations submitted by pharmacy technicians into line with the new policy for pharmacists ahead of the start of the statutory registration of pharmacy technicians.
Council
agreed
the proposed amendment.
- 07/55 Pharmacists and Pharmacy Technicians Order 2007
Administrative determinations: Forms - EEA**
Mrs Martha Pawluczyk, Overseas Registration Manager, introduced paper 07.06/C/59, which had been circulated.
"The Royal Pharmaceutical Society of Great Britain (Registration) Rules 2007", made by the Council on 15 February 2007 required the Council to determine the relevant application forms to be used for registration. A number of forms had been agreed by the Council in March 2007. Following receipt of further legal advice, it had become clear that a further application form was required for those exempt applicants who possessed relevant EEA pharmacy qualifications not covered by *'The Approved European Pharmacy Qualifications Order of Council'*.
Council
approved
the form circulated as an appendix to the paper.
- 07/56 Members designated as Fellows of the Society by the Panel of Fellows**
Council
noted

the members designated as Fellows of the Society as set out in paper 07.06/C/60, which had been circulated.

07/57 Infringements Committee: statistics
Council

received

the updated case statistics for the Infringements Committee, which had been circulated at 07.06/C/61.

Dr Phillida Entwistle, Chairman of Infringements Committee, which had been superseded by the new statutory Investigating Committee, asked how the Council would be kept informed, in future, of the Investigating Committee's work.

The Secretary & Registrar assured the Council that a process was being developed to meet the reporting requirements set out in the Rules and the P&PTO.

07/58 Council update and progress on strategic objectives
Council

noted

the update and progress report, which had been circulated at 07.06/C/62.

07/59 Pharmacy 2020
Council

noted

the update, which had been circulated at 07.06/C/63.

Wednesday 6 June 2007

PUBLIC BUSINESS

Present

President	Mr H Patel
Vice-President	Mr G Alexander
Treasurer	Mr J Jolley

Mr S Acres	Ms S Agha
Mr M Astbury	Mrs C Brown
Mr J Buisson	Mr D Carter
Mr S Churton	Dr B Curwain
Professor S Denyer	Mrs D Drury
Dr P Entwistle	Mr J Gentle
Mr A Gush	Mr J Hanlon
Mrs S Hikins	Mrs L Jacobs
Mr R Jobling	Mr A Kershaw
Mrs S Kilby	Professor B Michell (until item 07.06/C/63)
Mrs L Morgan	Mr G Phillips
Ms J Ramsey	Ms M Saunders
Mr D Simpson	Mr D Thomson

In attendance

Mr P Jones, Chairman Welsh Pharmacy Board and Dr RM Parr, Chairman, Scottish Pharmacy Board

07/60 Election of the Society's Officers for 2007/8

The Secretary & Registrar assumed chairmanship of the meeting. She drew Council's attention to the procedures for election, which had been circulated at 07.06/C/47.

One nomination for President, for Mr Hemant Patel, had been received and Mr Patel's statement had been circulated according to the procedure.

The Secretary & Registrar asked that the nomination be made.

Mr David Thomson nominated Mr Hemant Patel for the office of President of the Society for the Council year 2007/08.

Mr Douglas Simpson seconded Mr Hemant Patel for the office of President of the Society for the Council year 2007/08.

As only one nomination had been received, the Secretary & Registrar asked the Council to affirm the election of Mr Hemant Patel to the office of President of the Royal Pharmaceutical Society for the Council year 2007/08.

Council so affirmed.

The President assumed chairmanship of the meeting.

The President asked for nominations for the office of Vice-President, which were as follows:

Mr Martin Astbury
was nominated by Mrs Dorothy Drury and seconded by Mr David Carter, and

Dr Brian Curwain
was nominated by Mr Jonathan Buisson and seconded by Mrs Sylvia
Hikins.

A secret ballot was taken. The voting was as follows:

Mr Martin Astbury – 17 votes
Dr Brian Curwain – 12 votes

Mr Martin Astbury was duly declared elected to the office of Vice-President of
the Royal Pharmaceutical Society for the Council year 2007/08.

The President asked for nominations for the office of Treasurer, which were
as follows:

Dr Brian Curwain
was nominated by Professor Stephen Denyer and seconded by Mrs
Sylvia Hikins, and

Mr Andrew Gush
was nominated by Mr David Thomson and seconded by Mrs Lesley
Morgan.

A secret ballot was taken. The voting was as follows:

Dr Brian Curwain – 11 votes
Mr Andrew Gush – 18 votes

Mr Andrew Gush was duly declared elected to the office of Treasurer of the
Royal Pharmaceutical Society for the Council year 2006/07.

**07/61 Election of lay member of Council and an additional member of Council
to work with the Officers**

The President asked for nominations for the role of lay member of Council to
work with the Officers, which were as follows:

Dr Phillida Entwistle

was nominated by Professor Bob Michell and seconded by Mr
Graham Phillips, and

Mr Alan Kershaw

was nominated by Ms Marcia Saunders and seconded by Mr Ray
Jobling, and

A secret ballot was taken. The voting was as follows:

Dr Phillida Entwistle – 17 votes
Mr Alan Kershaw – 12 votes

Dr Phillida Entwistle was duly declared elected to the role of lay member of
Council to work with the Officers for the Council year 2007/08.

The President asked for nominations for the role of additional member of
Council to work with the Officers, which were as follows:

Mr Jonathan Buisson
was nominated by Mrs Lorna Jacobs and seconded by Mr Ray
Jobling, and

Mr David Thomson

was nominated by Mr Andrew Gush and seconded by Dr Phillida Entwistle.

A secret ballot was taken. The voting was as follows:

Mr Jonathan Buisson – 12 votes

Mr David Thomson – 17 votes

Mr David Thomson was duly declared elected to the role of additional member of Council to work with the Officers for the Council year 2007/08.

The President addressed the Council.

He recognised the achievements of the Society and the excellence displayed in many areas, whilst also recognising the need for change, particularly in professional development, supporting leadership skills and new roles and supporting the members and students. He aspired to both the Society and the future professional body having a mutually supportive and beneficial relationship with members.

At an historic time of great and rapid change, he intended to focus on the following key tasks.

- To keep sight of the Society's purpose and continue to serve members and the public.
- To maintain the Society's statutory functions and core membership and leadership services.
- To manage internal change effectively and to start to separate the professional role and the regulatory role.
- To better support and engage the branches and members, and continue to engage with other pharmacy bodies.
- To communicate with the members, branches and others.

At such a time there was a great need for transparency, accountability to members and demonstrating that the Society listened to and supported members nationally and locally to realise their professional aspirations. The aim must be to create a successful transition to the formation of the future professional body and the General Pharmaceutical Council.

Relationships would be crucial and the most precious relationship was that with the members. A priority would be to better support the members – old and new, and win their trust so that the Society became a more authoritative voice for the members of this Society in the wider world.

He thanked the Council for their support and looked forward to taking the profession forward with a secure future and a responsive future professional body.

Mr Astbury and Mr Gush thanked the Council for their support and for the privilege of being elected to office.

07/62

Apologies for absence

Mr P Bennett, Chairman, English Pharmacy Board

07/63 Secretary and Registrar's report: Regulation on Special Resolutions

The Secretary & Registrar asked the Council to consider paper 07.06/C/51, which had been circulated.

Council

agreed

that the regulation on special resolutions be gazetted.

07/64 Referrals from Governance Committee: Draft Guidance to support Special Resolutions

Mr John Hanlon, Chairman of Governance Committee, introduced paper 07.06/C/55, which had been circulated. He asked the Council to note that the Guidance might have to be amended if any further changes to the draft regulation became necessary, and to agree the proposed Guidance with that caveat.

On the recommendation of the Governance Committee,

Council

agreed

the guidance to underpin the draft regulation on Special Resolutions.

07/65 The implementation of the new Recognition of Professional Qualifications Directive (Directive 2005/36/EC)

The Secretary & Registrar read out a statement, which was intended to encapsulate the serious concerns raised by the Council in the discussion in Confidential business the previous evening, at which the Council had been fully briefed on the implications of implementation of Directive 2005/36/EC.

"The Council considered the draft response to the Department for Education and Skills' (DfES) limited consultation on regulations implementing the new Recognition of Professional Qualifications Directive, which is Directive 2005/36/EC.

The Council expressed grave concern at the impact of the EU Directive, in particular the absence of any requirement for visiting practitioners to Britain to comply with CPD requirements which would apply to all of those who are on the practising register. It was noted that this was in stark contrast to the reforms of health regulation which were to tighten up these requirements for the protection of the public and patients.

Professor Bob Michell, who is a lay member of the Council, considered it completely unacceptable that there was to be no capacity to require these visiting practitioners to comply with CPD, let alone revalidation. He pointed out that the driving force for reform in the UK was the Shipman Report, and noted that the GMC's proposals at the time regarding CPD and revalidation attracted serious criticism from Dame Janet's inquiry. For Government, EU conformity may be the driving force, but for a healthcare regulator it has to be patient safety. Those DfES proposals, judged by the criteria established by the Shipman Report, did not protect the public or patients.

Mr Alan Kershaw, lay member, said that there were serious dangers in this and real safety issues at stake. There was no assurance that other European countries were as advanced as the UK in their requirements for CPD and revalidation. It must be made clear to ministers that this is a very serious issue and that the Society has grave doubts as to how this can be safely implemented. Professor Stephen Denyer, academic pharmacist, recognising the dangers, urged a robust response outlining the impact against the stark clarity shown by reference to Shipman.

The Council agreed that draft response, subject to the comments of Council members as stated, and noted first the proposals did not meet the principle that regulators must protect the public and patients. Secondly, that there were potentially serious safety issues and risks. Thirdly, the contradiction with the stringent requirements for CPD and revalidation for UK practitioners was unacceptable. Fourthly, the Society would continue to work with the other UK regulators to urge the Government to take notice of the serious concerns and safety risks."

Council was informed that the Department of Health consultation on regulations to amend the P&PTO to establish a three-part register in order to accommodate visiting EEA pharmacists and pharmacy technicians on to a third part of the register had been received. Those proposals dovetailed with the DfES proposals, the response to which the Council had considered the previous day. In July the Council would be asked to agree the responses for submission.

Council members considered that an additional serious concern was the limit on information that could be exchanged in terms of fitness to practice, which seemed to exclude information about poor performance or health and whether conditions had been imposed on registration in the home country.

Council was of the view that the effect of implementation of the Directive was central to the concerns of the Department of Health. It went to the essence of regulation and implementation represented a potential danger to the public. The patient's and the public's confidence in the profession would be undermined. The Society's overall aim should be to ensure that equivalent safeguards could be applied to visiting EEA pharmacists as to any pharmacist practising in Great Britain and that the Government should be encouraged also to agree the detailed modifications that were needed before that could be assured.

Council wished to make public its concerns and to institute a campaign to influence the government through MPs and Ministers, working together with other regulators sharing the same concerns.

The President asked the Council to vote in order to record formally the grave concerns for public safety which it considered would derive from implementation of Directive 2005/36/EC and Council's intention to make those concerns public.

Council unanimously supported the proposal.

An additional concern regarding language testing of EEA applicants was also noted.

07/66 Measures to address issues in qualifications for exempt applicants under Directive 2005/36/EC

Mrs Martha Pawluczyk, Overseas Registration Manager, introduced paper 07.06/C/70, which had been circulated.

Council

agreed

that for exempt applicants for establishment who possess a relevant EEA pharmacy qualification not covered by *The Approved European Pharmacy Qualifications Order of Council 2007*, where the comparison of their qualification with the national requirements for registration reveals 'substantially different matters' the Society should

- i. require such applicants to complete a period of adaptation with assessment as opposed to an aptitude test,
- ii. require the adaptation period to be undertaken under the supervision of a pharmacist approved by the Society (preferably as a preregistration tutor) and at pharmacy premises approved for the purpose of preregistration training, and
- iii. use the Society's preregistration Performance Standards as the basis against which assessments will be completed during the required period of adaptation.

07/67 Any other business: Documentation required to register with the Society

Mr Jonathan Buisson asked the Council to note a matter which had been raised with him by Mr David Miller, a member of the English Pharmacy Board, regarding the requirement that a preregistration graduate, when applying to register for the first time as a pharmacist, must provide a copy of their passport, certified by a notary, for which a fee of around £60 was payable.

Dr Peter Wilson, Head of Post registration, commented that the requirements for the documentary evidence to be supplied by a preregistration graduate who applied to register for the first time as a pharmacist were set out in Rules which Council had agreed in February 2007 and the administrative arrangements for implementing the Rules had been agreed in March 2007. The regulations and requirements were stronger than previously, primarily to manage the increasing problem of identity fraud, which could put patients at significant risk.

He further reported that it would not be possible to change the arrangements for the 2007 applicants, but proposed that if problems with that aspect of the documentation were evident, Council would be advised

The President closed the public business part of the Council meeting.