

COUNCIL

**Minutes of the meeting held on Tuesday 1 and Wednesday 2 April 2008
at 1 Lambeth High Street, London SE1**

Tuesday 1 April 2008

Present

President	Mr H Patel
Vice-President	Mr M Astbury
Treasurer	Mr A Gush

Mr S Acres	Ms S Agha
Mrs M Allan	Mr G Alexander
Mrs C Brown	Mr J Buisson
Mr David Carter	Mr S Churton
Dr B Curwain	Professor S Denyer
Mrs D Drury	Dr P Entwistle
Mr J Gentle	Mr J Hanlon
Mrs S Hikins	Mrs L Jacobs
Mr R Jobling	Mr J Jolley
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.

Chief Executive & Registrar: Mr J Holmes

PUBLIC BUSINESS

08/08 Apologies for absence

08/09 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.

08/10 Welcome to guests

The President welcomed Mrs Sue Carter, Secretary Southampton and District Branch, Mr James Davies, Secretary General, BPSA, Ms Kathryn Featherston, Secretary Border Region, Ms Maggie Franklin, Secretary Crawley, Horsham and Reigate Branch, Mrs Anne Lorimer, Edinburgh and Lothians Branch

08/11 Minutes of the public business part of the meetings of Council held on 11 and 12 December 2007, 11 January 2008 and 14 February 2008
Council

resolved

that the minutes of the public business parts of the meetings held on 11 and 12 December 2007, 11 January 2008 and 14 February 2008 be received and agreed as a correct record.

08/12 Matters arising from the public business part of the minutes not specifically included in the agenda

There were no matters arising.

Professional leadership matters

08/13 Report of the Clarke Inquiry into the principles, functions and structure of a future professional body for pharmacy

The President reported that the Council had received the Report of the Clarke Inquiry and had discussed it with Mr Nigel Clarke, Chairman of the Inquiry and Mr John Thompson, Secretary to the Inquiry, in Committee session earlier in the day.

The President thanked Mr Clarke and his team for the work undertaken and the thoroughness of the report.

Mr Jeremy Holmes, Chief Executive & Registrar, introduced paper 08.04/C/03, which had been circulated. Mr Holmes confirmed that the Report would be published on 2 April 2008. The Society would be issuing a statement that the Report had been received and would be considered in detail by the Council on 23/24 April, at which time the Society's response would be developed.

Council

noted

that the Report of the Clarke Inquiry would be formally received by the Council in confidential business on the following day.

08/14 Chief Executive's report on other professional leadership matters

Mr Jeremy Holmes, Chief Executive & Registrar, reported that the recent market research had shown that members wanted a strong voice from pharmacy to influence government, public and other healthcare professions and they also wanted practical support to help them develop as professionals. The Society had always undertaken considerable work to influence the government agenda, but this was now being done in a more open and transparent way to ensure that the profession was aware of this important strand of work. Proposals on how members could be made aware of what the Society does to influence the policy agenda would be brought to the next Council meeting.

A recent example was the work with the MHRA around its decision on cough and cold medicines for the under-twos and the subsequent publicity. The Society had been involved prior to the publication of the advice and had been able to email all members for whom the Society had email addresses to alert

them to the imminent publication. The membership had responded very positively to that initiative.

Other initiatives included a series of short, simple guides and a series of top tips from the Legal and Ethical Advisory Service. “*The Scientist in the High Street*” information leaflet was another good example.

Council

noted

the report.

08/15 IT and Communications within the profession

Mr David Pruce, Director of Practice & Quality Improvement, reported that the Society would like to be able to communicate rapidly with pharmacists and pharmacies to highlight issues such as the recent MHRA communication and drug recalls. However, not all pharmacies had email access, so could not receive urgent communications from the Society, PCTs, etc.

To take this forward a new role within the Practice & Quality Improvement Directorate had been created with a specific focus on IT and the new staff member would start later in the week. The PJ would also be urging pharmacists to register their email addresses with the Society.

A number of points were raised including:

- *Medicines Complete*, the online information resource developed by RPS Publishing, was now available to all community pharmacies in Scotland through Community Pharmacy Scotland;
- the Health Policy Forum, of which the Society was a member, had commissioned research on community pharmacy and IT capability;
- the Society would hold a major conference in the autumn on IT in pharmacy;
- there were confidentiality issues around sending emails to pharmacies – it wasn’t always the pharmacist who read emails;
- the Society should be taking action to help all pharmacists to be IT literate and providing a Society email address for pharmacists could be part of that;
- a very low volume of bar-coded prescriptions were dispensed by pharmacies and it would be important to look at what the barriers were to electronic prescriptions and to help members take advantage of the new technology;
- sharing of patient information across the secondary/primary care interface was important and initiatives had been made in Wales;
- also in Wales it was planned that every pharmacy and pharmacist would be given an NHS email address;

Council

noted

the report.

08/16 Branch Representatives' Meeting (BRM)

Mr John Gentle, Council Branch Sponsor, introduced paper 08.04/C/04, which had been circulated.

Council

noted

i. the motions going forward for debate at the BRM, and

agreed

ii. the circulation to Branches of the background information to motions, with the amendments proposed during the discussion.

08/17 Rules of procedure for the Society's Annual General Meeting

The President asked the Council to consider paper 08.04/C/05, which had been circulated.

Council

agreed

the revised Rules of Procedure for the Annual General Meeting.

08/18 Pharmacy 2020: update

Council

noted

the update, which had been circulated at 08.04/C/06.

08/19 Fit for the Future: drafting education standards update

Council

noted

the update and progress report, which had been circulated at 08.04/C/07.

Organisational matters

08/20 Lay member appointments

Mrs Lorna Jacobs, Acting Chairman of Governance Committee, proposed that the item be moved to public business. Mr John Hanlon seconded the proposal and Council agreed that the item be considered in public business. The paper had been circulated on the confidential agenda at 08.04/C/24A.

The following declared an interest in that they were eligible for reappointment in 2008: Ms Seema Agha, Dr Phillida Entwistle, Mr John Hanlon, Mrs Sylvia Hikins, Mr Ray Jobling, Professor Bob Michell, Ms Marcia Saunders. Mr Hanlon and Professor Michell left the Council Chamber.

Council discussed whether the lay members eligible for re-appointment in 2008 should stay in the Council Chamber and contribute to the discussion. The view was expressed that, with seven lay Council members outside the meeting, the balance on the Council would be affected. The President ruled that the lay Council members could make an individual statement to the Council and then take no further part in the debate and remain in the Council Chamber.

Mr Hanlon and Professor Michell returned to the Council Chamber.

Ms Jane Ramsey, Mr Alan Kershaw and Mrs Lorna Jacobs pointed out that they had no interest to declare as they were not affected by the current re-appointment process and that they would take part in the debate.

Mrs Sylvia Hikins drew the Council's attention to the process of re-appointment to date, which she considered to be flawed. The letter received by the seven lay members eligible for re-appointment seemed to her to suggest that their skills were not what the Council required. However, since responding to the Chief Executive's letter of 4 December 2007, asking them to confirm that they wished to be put forward for re-appointment, the lay members had not been asked for their CVs, nor had a skills audit been undertaken.

Dr Phillida Entwistle raised her concerns about both the practicalities of the proposal and the associated risks as follows.

- The possibility of losing over half the Council at one time could bring an undefined period of instability, when the Society needed cohesion within the Council.
- There would be implications for the creation of effective Council committees for 2008/09. If meetings were cancelled it could inconvenience external members of the committees and raise questions about the credibility of the governing body.
- The resource implications were greater than had been expected, and excluded the cost of management time.
- The paper stated that the Officers had discussed skills required from lay members in January 2007; therefore it would have been possible to undertake a skills audit prior to December 2007 when the re-appointment process started.

Dr Entwistle proposed that re-appointment should proceed for a period covering at least the time until regulation was expected to transfer to the General Pharmaceutical Council.

Mr Gerald Alexander clarified that in January 2007, when he had been Vice-President, the Officers had discussed skills required in the context of the vacancy for a lay member of Council created when Professor Michael Schofield completed his permitted three consecutive terms of Council. Mr John Jolley supported this view. The President and Mr Martin Astbury disputed that view. The matter was left on the table.

Ms Seema Agha raised her concern at the procedural irregularities and lack of transparency which seemed to have taken place in arriving at the proposal to go to open competition for seven lay member positions. The perception was that seven current lay members, eligible for re-appointment, were being dismissed. Ms Agha saw no organisational benefit in the proposal for open competition.

Mr Hanlon, Mrs Hikins, Mr Jobling, and Ms Saunders left the Council Chamber.

Mr Jeremy Holmes, Chief Executive & Registrar, clarified that there was no question that the seven lay members eligible for re-appointment had been dismissed: their term of office was coming to an end and Council needed to

decide the most appropriate way forward. He had been explicit to the Appointments Commission and in his letter to lay members that there was no presumption about current lay members' suitability or otherwise in relation to the skill needs of Council. He put on record his appreciation of the contribution that the seven lay members had made. The issue was about skill needs looking forward.

Mr Holmes outlined the process to date. In December 2007, he had written to the seven lay members concerned and asked if they would like to put their names forward for reappointment. It had been subsequently pointed that the Officers had proposed a set of criteria for skill needs of Council in January 2007 and the Appointments Commission had been notified of those criteria. However, the response had been mislaid. In discussion with the President, it had been agreed that it would be appropriate to meet with the Appointments Commission as no action seemed to have been taken as a result of that letter. Subsequently, with the President, he had met the Chief Executive of the Appointments Commission and one of her senior staff on 5 March 2008.

On the basis of advice from the Appointments Commission, he wrote to the seven lay members to tell them that it was possible that Council might decide that it would be appropriate to go to open competition, in order to deliver the skill needs that had been identified both by the Officers, in the early part of last year, and subsequently by the President and himself. The Appointments Commission had been clear that the process was an appropriate process and that the fact that he had previously written to the seven lay members to ask if they wanted their names to be put forward was no bar to an open competition or to their applying in that competition.

Mr Holmes apologised for the delay between the December and March letters which was a result of establishing the position with the Appointments Commission. He was confident that the process had been proper and encouraged Council to consider the paper in that light and in view of the skill needs identified.

Mr Alexander stated that since the paper to Council in December 2007, which had stated that the re-appointment process for lay members would commence shortly, there had been two formal Council meetings at which the Council could have considered the process and the criteria but that had not happened. The paper under discussion had been sent out only a number of days before the present meeting.

In response to a question the President confirmed that the Officers group had received a full report following the meeting with the Appointments Commission on 5 March 2008.

Professor Bob Michell commented that he did not recall the Officers Group discussing the skills listed in the paper and that he had read the letter from Mr Holmes dated 16 March 2008 as indicating that he did not have the skills needed by the Council, given that "veterinary medicine" was listed as one of the skills required. Professor Michell left the Council Chamber.

Mr Alan Kershaw commented that in 2007, three lay members had come to the end of their term of office, two had been re-appointed, but Professor Michael Schofield had been ineligible for re-appointment as he had completed three terms of office. Therefore it had been necessary to have an open competition for that place and quite proper for the Society to indicate to the

Appointments Commission the types of skills which might be appropriate. In 2008, all seven lay members at the end of their term of office were eligible for re-appointment. The current situation was different and the process followed had not been appropriate.

Professor Stephen Denyer commented that the Society was in a unique position of transition and change. The lay members eligible for reappointment were deeply embedded in that process of change. New skills might be relevant, but that was outweighed by the accumulated understanding and knowledge of the existing lay members, and the length of time it would take for new lay members to gain that understanding, and to be able to participate fully in the next stages of transition.

Professor Denyer proposed that the Council should support reappointment of the seven lay members eligible for re-appointment. Mr Douglas Simpson seconded the proposal.

Mr John Gentle proposed that a named vote be taken. Mrs Cathryn Brown seconded the proposal.

Council proceeded to vote on the motion that the names of the lay members whose term of office would end on 21 May 2008 should be submitted to the Appointments Commission for consideration for reappointment for a further three-year term; and that a skills audit be undertaken following the completion of Council elections.

The voting was as follows:

In favour: Mr S Acres, Ms M Allan, Mr G Alexander, Mr J Buisson, Mr S Churton, Dr B Curwain, Professor S Denyer, Mrs L Jacobs, Mr J Jolley, Mr A Kershaw, Mrs S Kilby, Mrs L Morgan, Ms J Ramsey, Mr D Simpson and Mr D Thomson.

Against: Mr M Astbury, Mrs C Brown, Mrs D Drury, Mr J Gentle and Mr H Patel.

Abstentions: Mr A Gush, Ms S Agha, Mr D Carter, Dr P Entwistle, Mr G Phillips.

The motion was carried.

Council

agreed

- i. that the names of the lay members whose term of office would end on 21 May 2008 should be submitted to the Appointments Commission for consideration for reappointment for a further three-year term; and
- ii. that a skills audit be undertaken following the completion of Council elections.

Mr Hanlon, Mrs Hikins, Mr Jobling, Professor Michell and Ms Saunders returned to the Council Chamber.

Ms Jane Ramsey spoke on a point of order. Ms Ramsey stated that she had been embarrassed and uncomfortable at the situation in which the Council had found itself over the issue of re-appointment and the debate. She wished to put on the record that she did not oppose open competition for appointment, but the handling of the current process had been inappropriate.

Ms Averil Ridgway, Head of Secretariat, informed the Council of the decision recorded above, that a named vote had been taken and that the voting had been 15 in favour, 5 against and 5 abstentions.

Regulatory matters

08/21 Pharmacy Regulation and Leadership Oversight Group (PRLOG)

Mrs Christine Gray, Head of Corporate Governance, introduced paper 08.04/C/08, which had been circulated.

In response to a question, Mr Bernard Kelly, Director of Finance & Resources, reported that discussions had continued with the Department of Health regarding pension arrangements for those Society employees who would transfer to the General Pharmaceutical Council. It seemed likely that the Transfer of Undertakings (Protection of Employment) regulations (TUPE) would apply.

Council

noted

the report.

08/22 Recognition of pharmacist prescribers and the use of post nominal initials

Dr Peter Wilson, Head of Post-registration, introduced paper 08.04/C/09, which had been circulated.

Following the decision by Council in December 2007, the position in respect of inappropriate use of the post nominal by a person who was not a prescriber was confirmed with the Department of Health (DH): that inappropriate use would amount to misuse of a protected title and would be an offence under Article 20 of the Pharmacy and Pharmacy Technicians Order 2007 (P&PTO). Concerns had been raised, however, that prosecution for the misuse of the post nominal *MRPharmS (Presc)* could fail as it did not explicitly refer to one of the two protected titles, pharmacist independent prescriber or pharmacist supplementary prescriber.

Council

agreed

- i. that the post nominal to be used by pharmacist prescribers should reflect the prescribing status of the prescriber recorded in the Register of Pharmacists, and
- ii. that the post nominals for pharmacist supplementary prescribers should be MRPharmS(SPresc) and that for pharmacist independent prescribers MRPharmS(IPresc).

08/23 Implementing CPD 2008-2010

Dr Peter Wilson, Head of Post-registration, introduced paper 08.04/C/10, which had been circulated. The Society had been moving towards statutory CPD provisions for a number of years, which would have been brought into force by the making of the CPD Rules under the Pharmacy & Pharmacy Technicians Order 2007. However, with the transition to the General

Pharmaceutical Council, the Department of Health had decided that the implementation of statutory CPD would be delayed until the GPhC was operational from January 2010.

The delay carried some risk and the paper set out proposals to use the Society's Code of Ethics, which was clear on the recording of CPD and the declaration which members sign annually on payment of their registration fee to ensure that pharmacists undertook and recorded their CPD as required.

The President commented that the Society had invested significantly in promoting the recording of CPD over the last four years, and had adopted a supportive and facilitative approach. It seemed that pharmacists and registered pharmacy technicians were engaged in CPD, but not enough were maintaining CPD records, despite the fact that keeping a CPD record was a requirement of the Code of Ethics. The work now underway with the DH on the introduction of revalidation made compliance with CPD even more important. He urged every pharmacist to undertake CPD and to record their participation.

Council supported the view that undertaking CPD was an essential part of professionalism and that the Society should continue to encourage and support members and registrants in undertaking and appropriately recording their CPD. There was also a public safety and public confidence issue, in that the public expected a professional to keep their knowledge and skills up to date.

However, there were concerns about the proposal to use the Code of Ethics and the annual retention fee declaration to confirm retrospectively that CPD had been undertaken and further concerns about what sanctions might be applied and how.

Council saw a clear role for the future professional body in supporting and facilitating members to achieve their CPD requirements, and revalidation requirements when those requirements were in place.

Council

agreed

- i. that the Society should continue to take a predominantly supportive and facilitative approach to the introduction of CPD;
- ii that the requirement for practising pharmacists and registered pharmacy technicians to maintain a CPD record will be based on the Code of Ethics until the CPD rules are made;
- iii. that following the current pilot of CPD record review all practising members and registrants would be required to submit their CPD record for review if asked to do so by the Society; and
- iv. that CPD standards and processes to support and manage members and registrants who do not meet the CPD requirement should be considered by the Revalidation Advisory Group and brought to Council in October 2008 for agreement.

Mr Martin Astbury registered his dissent under Article 11 of the Council member Code of Conduct to the decisions recorded at (iii) and (iv) above.

08/24

Staged payment of retention fees: amendments to registration rules

Mr Andrew Gush, the Treasurer and Chairman of Resource Management Committee, introduced paper 08.04/C/11, which had been circulated. Mr Gush reported that real progress had been made, working with the Department of Health towards being able to implement staged payments for 2009. The DH had indicated that a formal consultation on the Rules would not be necessary following the extensive consultation which had been undertaken in 2008 on the fees proposals. He thanked Dr Sue Ambler, Mrs Christine Gray and their team for the work in progressing the proposals.

Council

approved in principle

- i. the draft Royal Pharmaceutical Society of Great Britain Registration (Amendment) Rules 2008, as detailed in Appendix 1;

authorised

- ii. the Society's Officers to sign and make the rules upon their receipt from and as agreed by the Department of Health, subject to there being no substantive changes;

agreed

- iii. to make changes to the Pharmacy Technicians (Voluntary Registration) Protocol 2006, as detailed; and
- iv. that fees for staged payments would be collected in January, April, July, and October of each year.

Wednesday 2 April 2008

PUBLIC BUSINESS

Present

President	Mr H Patel
Vice-President	Mr M Astbury
Treasurer	Mr A Gush

Mr S Acres	Ms S Agha
Mrs M Allan	Mr G Alexander
Mrs C Brown	Mr J Buisson
Mr David Carter	Mr S Churton
Dr B Curwain	Professor S Denyer
Mrs D Drury	Dr P Entwistle
Mr J Gentle	Mr J Hanlon
Mrs S Hikins	Mrs L Jacobs
Mr R Jobling	Mr J Jolley
Mr A Kershaw	Mrs S Kilby
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.

Chief Executive & Registrar: Mr J Holmes

PUBLIC BUSINESS

08/25 Apologies for absence
Professor B Michell

08/26 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.

08/27 Personal statement by Mr Graham Phillips
Mr Graham Phillips made a personal statement regarding a debate in which he had taken part at a meeting of the Oxfordshire Branch and the subsequent report of that debate in *The Pharmaceutical Journal* on 9 February 2008.

Regulatory matters

08/28 Informing members about revalidation
Council

noted

the report, which had been circulated at 08.04/C/12.

08/29 Statutory Committees statistical report
Council

noted

the report, which had been circulated at 08.04/C/13.

08/30 Council for Healthcare Regulatory Excellence (CHRE): Minutes of 16 January 2008 (unapproved)

Council

noted

the unapproved minutes of the CHRE meeting held on 16 January 2008, which had been circulated at 08.04/C/14.

Organisational matters

08/31 Minutes circulated since the December 2007 meeting of Council

Council

received

the minutes of the following committees

Education	28 February 2008
Law & Ethics	23 November 2007
	14 January and 13 March 2008
Governance	12 February 2008
Science	27 February 2008
English Pharmacy Board	6 February 2008
Scottish Pharmacy Board	30 January 2008
Welsh Pharmacy Board	7 February 2008

08/32 Referral from Governance Committee: Monitoring role of the Vice-President at committees – pro forma

Mrs L Jacobs, Acting Chairman of Governance Committee, introduced paper 08.04/C/15, which had been circulated.

On the recommendation of the Governance Committee,

Council

adopted

the form as set out in the paper for inclusion in the Council Governance Handbook.

08/33 Referral from Governance Committee: Limit on consecutive terms of office on Council

Following a request from Mrs Lorna Jacobs, Acting Chairman of the Governance Committee, the Council agreed that the matter be moved to public business. Mrs Jacobs introduced paper 08.04/C/24, which had been circulated with the confidential agenda.

The matter had been referred to the Governance Committee at the December 2007 Council meeting. Mrs Jacobs informed the Council that the Committee had considered the background to the current limit on consecutive terms of office, current best practice and a number of other factors, such as the

Monitor code of governance for foundation trusts that had been cited as a possible precedent.

On the recommendation of the Governance Committee,
Council

agreed

- i. that the Council would not review the limit on consecutive terms of office at present;
- ii. to revisit the issue at a later stage during the transition process, so as to avoid the need for an election in the year before the GPhC was established; and
- iii. that, as part of the development of the future professional body, a limit on consecutive terms of office on that body's Council should be consulted upon.

08/34 Council update

Council

noted

the update and progress report, which had been circulated at 08.04/C/16.

08/35 Council branch and regional observers – confidential business

Mr John Gentle, Council branch sponsor, raised the issue that the observers were required to leave the meeting for confidential matters. He asked that the Council review this policy.

Council

agreed

that a paper setting out the issues for Council to consider be brought to the next meeting.

The President closed the public business of the Council.