

COUNCIL

Minutes of the meeting held on Tuesday 3 June 2008 at 1 Lambeth High Street, London SE1

Present

	Vice-President	Mr M Astbury (in the Chair)
	Treasurer	Mr A Gush
Mr S Acres		Ms S Agha
Mr G Alexander		Mrs C Brown
Mr David Carter		Mr S Churton
Dr B Curwain		Mrs D Drury
Dr C Duggan		Dr P Entwistle
Mr J Gentle		Mrs S Hikins
Mrs L Jacobs		Mr R Jobling
Mr J Jolley		Mr A Kershaw
Mrs S Kilby		Ms Y Liddell
Professor B Michell		Ms A Moore
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

- 08/48 Apologies for absence**
Mrs M Allan, Professor N Barber, Ms J Ramsey, Ms M Saunders, Professor K Wilson
- 08/49 Declaration of interests**
The Vice-President reminded Council members that declarations of interest should be made by individual Council members at the beginning of the relevant item.
- 08/50 Welcome to guests**
The Vice-President welcomed Mr David Morgan, Clwyd Branch (Secretary); Mrs Mags Norval, Mersey Region; Mr Charles Flynn, Isle of Man (Secretary); Mr Allan Robinson, Nottingham and District Branch; Ms Jodie Taylor, BPSA
- 08/51 Welcome to new Council members**
The Vice-President welcomed the new Council members at the meeting: Dr Catherine Duggan, Ms Alison Moore and Ms Yvonne Liddell.

08/52 Standing Orders of the Council

Council

adopted

the Standing Orders of Council, as provided for in Section 15 of the Regulations (as circulated at paper 08.06/C/45).

08/53 Adoption of the Council Governance Handbook

Mrs Lorna Jacobs, Acting Chairman of the Governance Committee introduced paper 08.06/C/46.

On the recommendation of the Governance Committee

Council

i. **adopted**

the Council Governance Handbook for 2008/09, and

ii. **agreed**

that going forward amendments to the governance of the Council and committees should be considered on the basis of level of risk and only matters representing a high risk which would affect the Society before the establishment of the successor bodies should be brought to the Council.

08/54 Minutes of the public business part of the meetings of Council held on 1 and 2 April, on 24 April 2008

Council

resolved

that the minutes of the public business parts of the meetings held on 1 and 2 April and on 24 April 2008 be received and agreed as a correct record.

08/55 Matters arising from the public business part of the minutes not specifically included in the agenda

There were no matters arising.

Professional leadership matters

08/56 Report of the Clarke Inquiry into the principles, functions and structure of a future professional body for pharmacy

Mr Jeremy Holmes, Chief Executive & Registrar, reported that he had had a very constructive meeting with Nigel Clarke, who had agreed to be Chairman of the Society's Transitional Committee. Mr Clarke would take a flexible approach to membership of the Committee to ensure that all relevant views were heard properly, including as wide as possible a stakeholder group and engaging with as many of the other groups who want to be part of the new professional body as possible.

08/57 Report on the one hundred and sixty seventh Annual General Meeting of the Society held on Wednesday 21 May 2008

Council

received

the report of the 167th Annual General Meeting, which had been circulated at paper 08.06/C/47.

08/58 Branch Representatives' Meeting (BRM)

Mr John Gentle, Council branch sponsor, introduced paper 08.06/C/48, which had been circulated.

Council

noted

motions carried, amended and lost at the BRM meeting held on 22 May.

Mr Gentle asked the Council to consider allocation of Council members to regional committees in England. He proposed that allocation should be extended to include allocation of lay and pharmacy technician members of Council.

Council

agreed

in principle to the proposal that allocation of Council members to regional committees in England be extended to include allocation of lay and pharmacy technician members of Council and that it be discussed further at the July strategy day, when further information, particularly on cost, could be considered.

08/59 Members designated as Fellows of the Society by the Panel of Fellows under Byelaws Section III

Council

noted

the members designated as Fellows of the Society for 2008 as circulated in a tabled addendum to paper 08.06/C/49, which had been previously circulated.

Council congratulated Mr Peter Jones, Chairman of the Welsh Pharmacy Board on the award of his Fellowship.

Regulatory matters

08/60 Pharmacy Regulation and Leadership Oversight Group (PRLOG)

Mrs Christine Gray, Head of Corporate Governance, introduced paper 08.06/C/50, which had been circulated.

Council

noted

the report.

08/61 Referral from Law & Ethics Committee: Consideration of cases suitable for non-referral to the Investigating Committee

Ms Seema Agha, Acting Chairman of Law & Ethics Committee, introduced paper 08.06/C/51, which had been circulated. The proposals followed on previous consideration by the Council of the way in which single one-off dispensing errors were handled; the scope of the single, one-off dispensing error and the threshold criteria of such cases and other cases suitable for non-referral to Investigating Committee. A consultation had been undertaken. The Law & Ethics Committee had carefully considered the consultation results and brought the proposals to Council to ensure that the Society had a proportionate, open and transparent process for dealing with such cases

Mrs Jackie Giltrow, Head of Regulatory Transition, informed the Council that the Fitness to Practise directorate had been applying the threshold criteria for single one-off dispensing errors for several months following provisional agreement by Council and a body of experience was building up, which supported the recommendations of the Law & Ethics Committee. Mrs Giltrow took the Council through the recommendations, responding to questions, clarifying the proposals and noting comments.

On the recommendation of the Law & Ethics Committee

Council

agreed

- i. That cases involving single one-off dispensing errors should not be referred to the Investigating Committee (subject to threshold criteria).
- ii. The threshold criteria for referral of single one-off dispensing errors to the Investigating Committee as set out in Appendix 1, Box 1.
- iii. That the scope of a single one-off dispensing error should include errors made during the dispensing process, from receipt of prescription through to supply of the dispensed medicine to the patient. The scope of 'dispensing error' should not include 'near misses' ie. medication errors that did not reach the patient/representative.
- iv. That cases against registrants which are not referred should be disposed of by way of a letter sent to the individual by the office as a result of the findings of the Inspector's investigations, where the individual admits the allegations made and accepts the advice provided. The letters should make it clear to registrants that they can seek legal advice prior to responding to the allegations against them. Records should be maintained for 5 years as part of the registrant's fitness to practise history to show that the individual has admitted to the allegations made and accepted the advice provided.
- v. A further paper should be considered by Law & Ethics Committee to discuss the use of records and fitness to practise history. The paper should take into account any advice or

guidance from the Council for Healthcare Regulatory Excellence.

- vi. To extend the categories of cases that are suitable for non referral to the Investigating Committee (subject to threshold criteria) to include the categories of cases set out in Appendix 1, Box 2.
- vii. The threshold criteria for referral of those cases not involving single one-off dispensing errors as set out in Appendix 1, Box 3.
- viii. That the threshold criteria should apply to cases involving registered pharmacy technicians (including those voluntarily registered).

08/62 Administrative determination of registration and retention forms
Council

approved

the forms relating to registration, retention and fees, which had been circulated at paper 08.06/C/52.

08/63 Statutory Committees statistical report
Council

received

the report on statutory committees statistics, which had been circulated at 08.06/C/53.

Organisational matters

08/64 Referral from Governance Committee: Council confidential business: attendance of branch/regional observers

Mrs Lorna Jacobs, Acting Chairman of the Governance Committee introduced paper 08.06/C/54, which had been circulated. The Committee had debated the matter thoroughly and was of the view that on the basis of risk, only Council members and relevant directors and staff should attend the confidential business of the Council meetings. However, the Council meetings should be organised so as to minimise disruption to the agenda and the need for observers to leave and to rejoin the meetings.

The Council debated the proposals and the following points were noted.

- Invited guests who were pharmacists might have a different status to members of the public and be expected, under the Code of Ethics, or by signing a confidentiality agreement at the time, to respect confidentiality and attend the confidential session.
- Council members had specific fiduciary and legal duties. There were significant risks to the Society and Council members if some confidential matters were shared beyond the Council and relevant staff.
- Council was fully in support of undertaking as much of its business as possible in public session.

On the recommendation of the Governance Committee,
Council

agreed

- i. that branch/regional observers at Council meetings should not attend confidential business;
- ii. that every effort should be made to include items in public business wherever possible and to keep to the published agenda order,
- iii. that items on the confidential agenda should indicate under which criteria they are so designated, and
- iv. that the Governance Committee would keep under review the allocation of items between public and confidential business on the Council agendas.

08/65 Minutes circulated since the April 2008 meeting of the Council
Council

received

the minutes of the following committees

English Pharmacy Board	16 April 2008
Science Committee	1 May 2008
Welsh Pharmacy Board	7 February & 15 April 2008
Scottish Pharmacy Board	9 April 2008

08/66 Council update
Council

noted

the update and progress report, which had been circulated at 08.06/C/55.

08/67 Any other business
There was no other business.

COUNCIL

Minutes of the meeting held on Wednesday 4 June 2008 at 1 Lambeth High Street, London SE1

Present

	Vice-President	Mr M Astbury (in the Chair)
	Treasurer	Mr A Gush
Mr S Acres		Ms S Agha
Mr G Alexander		Mrs C Brown
Mr David Carter		Mr S Churton
Dr B Curwain		Mrs D Drury
Dr C Duggan		Dr P Entwistle
Mr J Gentle		Mrs S Hikins
Mrs L Jacobs		Mr R Jobling
Mr J Jolley		Mr A Kershaw
Mrs S Kilby		Ms Y Liddell
Professor B Michell		Ms A Moore
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

- 08/68 Apologies for absence**
Mrs M Allan, Professor N Barber, Ms J Ramsey, Professor K Wilson
- 08/69 Declaration of interests**
The Vice-President reminded Council members that declarations of interest should be made by individual Council members at the beginning of the relevant item.
- 08/70 Fitness to Practise Report**
Council agreed to move the item into public business.
Ms Seema Agha, Acting Chairman of Law & Ethics Committee introduced the report, which had been circulated at 08.06/C/61. The report was a requirement of the Pharmacy and Pharmacy Technicians Order 2007, which also required that the report include the Council's observations. Subsequent to Council's approval the report would be published.

Ms Ros Hayles, Head of Investigations and Hearings, took the Council through the report section by section. Council discussed the report in detail. A number of drafting amendments and clarifications were proposed and agreed.

Council welcomed the report and commended the staff for their work.

Council considered a draft statement of observations which had been tabled and agreed that the statement should form part of the Executive Summary of the report when published.

Council

agreed

- i. that the statement of observations should form part of the Executive Summary of the report when published, and
- ii. that the Fitness to Practise report, subject to the amendments and clarifications noted, for publication, and
- iii. that the final version would be signed off by Ms Agha, Acting Chairman of Law & Ethics Committee and the Chief Executive & Registrar.

08/71 Draft response to the consultation on the Department of Health (DH) framework for the registration of health & adult social care providers

Council agreed to move the item into public business.

Mrs Jackie Giltrow, Head of Regulatory Transition, introduced paper 08.06/C/62, which had been circulated.

Council discussed the draft response to the DH consultation. A number of amendments and clarifications were agreed.

Council

agreed

the draft response, subject to the amendments and clarifications noted.

08/72 Election of the Society's Officers for 2008/09

Mr Jeremy Holmes, Chief Executive & Registrar assumed chairmanship of the meeting. He drew Council's attention to the procedure for election, which had been circulated at 08.06/C/43.

Three nominations for President had been received and the candidates' statements had been circulated to Council members according to the procedure.

Mr Holmes read out the nominations as follows:

Mr Douglas Simpson nominated Mr Gerald Alexander for the office of President of the Society for the Council year 2008/09. Mrs Sue Kilby seconded Mr Gerald Alexander for the office of President of the Society for the Council year 2008/09.

Mr Andrew Gush nominated Mr Steve Churton for the office of President of the Society for the Council year 2008/09. Ms Margaret Allan seconded Mr Steve Churton for the office of President of the Society for the Council year 2008/09.

Mr Stephen Acres nominated Dr Brian Curwain for the office of President of the Society for the Council year 2008/09. Mrs Sylvia Hikins seconded Dr Brian Curwain for the office of President of the Society for the Council year 2008/09.

The following declarations of interest were made.

Mr Gerald Alexander declared that he was a member of the Board of the National Pharmacy Association, a director of The Pharmacy Mutual Insurance Company Ltd, a director of the Pharmaceutical and General Provident Society and Chairman of the Barnet, Enfield and Haringey Local Pharmacy Committee.

Mr Steve Churton declared that he was an employee of Boots the Chemist.

Dr Brian Curwain stated that he had no relevant interests to declare.

A secret ballot was taken.

The voting was as follows*:

Mr Gerald Alexander	12 votes
Mr Steve Churton	9 votes
Dr Brian Curwain	4 votes

According to the election procedure, as there was no clear winner the candidate with the lowest number of votes was eliminated from the election.

A secret ballot was taken.

The voting was as follows:

Mr Gerald Alexander	12 votes
Mr Steve Churton	13 votes

Mr Holmes declared Mr Steve Churton duly elected to the office of President of the Society for the Council year 2008/09.

Mr Hemant Patel, Past President, passed the Chain of Office to Mr Churton and wished him well in his new role.

The President assumed chairmanship of the meeting.

Council adjourned for 15 minutes.

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

*Post meeting note for information

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

Dr Brian Curwain was nominated by Mr Stephen Acres and seconded by Ms Marcia Saunders.

Mrs Sue Kilby was nominated by Mr Gerald Alexander and seconded by Ms Seema Agha.

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

Mr Martin Astbury	13 votes
Dr Brian Curwain	8 votes
Mrs Sue Kilby	4 votes

As there was a clear majority, Mr Martin Astbury was duly declared elected to the office of Vice-President of the Royal Pharmaceutical Society for the Council year 2008/09.

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

Mr Andrew Gush was nominated by Ms Marcia Saunders and seconded by Mrs Cathryn Brown.

As only one nomination had been received, the President asked the Council to affirm the election of Mr Andrew Gush to the office of Treasurer of the Royal Pharmaceutical Society for the Council year 2008/09.

Council so affirmed.

08/73 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:

Mr Alan Kershaw was nominated by Mrs Lorna Jacobs and seconded by Mrs Sue Kilby.

As only one nomination had been received, the President asked the Council to affirm the election of Mr Alan Kershaw to the role of Lay member of Council to work with the Officers for the Council year 2008/09.

Council so affirmed.

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

Mr Gerald Alexander was nominated by Mr John Jolley and seconded by Mr Andrew Gush

Dr Catherine Duggan was nominated by Mr Steve Acres and seconded by Ms Alison Moore.

Mr David Thomson was nominated by Mr David Carter and seconded by Ms Alison Moore.

Mr Gerald Alexander declined the nomination.

A secret ballot was taken. The voting was as follows

Dr Catherine Duggan 10 votes
Mr David Thomson 15 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 2008/09.

08/74 Appointment to the English Pharmacy Board

The President drew the Council's attention to paper 08.06/C/44, which had been circulated. Council agreed to use the same election process as for the election of Officers.

The President asked for nominations for a pharmacist member of Council on the English Pharmacy Board.

Dr Catherine Duggan was nominated by Mr Gerald Alexander and seconded by Dr Brian Curwain.

As only one nomination had been received, the President asked the Council to affirm the election of Dr Catherine Duggan as pharmacist member of Council on the English Pharmacy Board.

Council so affirmed.

Mr Martin Astbury, Vice-President and Mr Andrew Gush, Treasurer addressed the Council, thanking Council for their support and pledging to continue to serve the Council and the Society.

The President made his acceptance address, which is attached at Appendix 1 to the minutes.

Council adjourned for 15 minutes.

08/75 RPSGB Revalidation Advisory Group: third update for Council

Council agreed to move the item into public business.

Dr Peter Wilson, Head of Postregistration and Chairman of the Revalidation Advisory Group, introduced paper 08.06/C/63, which had been circulated. Dr Wilson informed the Council that the direction of the work of the DH White Paper Working Group on Non-Medical Revalidation had changed at the instigation of the new Chairman. Instead of producing a set of standards and processes for non-medical revalidation, it was planned to produce a core set of revalidation standards to hand over to the professions to work with. Those standards were likely to come from the National Health Service Knowledge and Skills Framework. It remained to be seen if standards drawn from that framework were applicable to professions which included a high proportion of NHS contractors like pharmacy or the optometrists or dentists.

Council discussed the future of the RAG and its membership going forward in detail, proposing some amendments and, clarification having been given in response to queries, the Council agreed the recommendations in the paper as follows.

Council

- i. **received** an update on progress towards developing RPSGB policy for the prospective introduction of revalidation in pharmacy;

- ii. **agreed** the continuation of the short-term non-medical revalidation advisory group (RAG) until June 2009 or until inauguration of a shadow council of the General Pharmaceutical Council;
- iii. **agreed** amended membership of the RAG to include three additional appointees (an independent pharmacist member, a locum pharmacist member and a representative of the Society's PPI Liaison Group) as set out in the paper;
- iv. **agreed** that a Council member to replace Mr Graham Phillips on the RAG should be agreed by the Officers following a request for expressions of interest from Council members. A role profile would be developed and circulated with the request to Council members.
- v. **agreed** amendments to the remit for the RAG as set out in the paper; and
- vi. **confirmed** the amended remit, procedures and membership for the Wider Reference Group for revalidation (WRG), account having been taken of the amendments proposed by the Council.

The President closed the public business of the Council.

Appendix 1

Mr Steve Churton: Presidential Acceptance Address 4 June 2008

Let me begin by saying how honoured I am to be the 91st individual to be elected as President of the Society in our 167 year history. As I am a relative newcomer to this place, it's even more gratifying that you have placed your trust in me to lead Council, and the Profession. A profession of which I am exceptionally proud to be a member.

Firstly, I would also like to recognise the quality of the candidates in these elections. Campaigning has been a very formative experience for me, and I look forward to working with my colleague Officers who I congratulate on their appointments, and indeed all of the candidates who put so much energy into their campaigns; and of course everyone around this table who took the time to research our positions and to take an informed view – I thank you also.

Turning now to the future ...

I cannot personally recall a time of so much change within our profession. Pharmacy is undergoing seismic change, and the landscape in which we currently operate is likely to be unrecognisable in the not too distant future.

There are high expectations of what pharmacy can offer and public and government interest in our potential, our enthusiasm to engage, and our value, is at an all time high. You only have to look at the contents of the recent White Paper to appreciate this.

I believe that there are some key constituencies that Council has a responsibility to lead, influence and support – our people, our profession, our patients and ourselves.

Firstly, our People ...

Our members, our registrants, are rightly looking to us for leadership. We need to be truly responsive to the needs of those we represent. We need to accept the reality that the Society is not well regarded by some and, although we can hypothesise for ever as to why this is the case, the fact of the matter is that we need to raise our collective game to do more to overcome the criticisms – and to demonstrate just what we can achieve - before it's too late.

We should acknowledge that we have some great people working with us, and we should take every opportunity to let them know that we appreciate them. We must lead more by example, we must be more empowering, and we must support, encourage and provide them with the necessary resources and freedom to act in the best interests of the profession.

I believe we need to nurture our people and be tough on the issues – and not the other way around.

Secondly, our Profession ...

In a time of great change and uncertainty – we need to demonstrate strong, responsible and supportive leadership. We were all elected or appointed to serve and lead the profession, and never has there been a time more demanding of truly inspirational leadership.

We have a pivotal role to play in bringing about what can only be described as a landmark moment in our proud history – and I really want us to pull together, and to bring about the changes so essential right now to secure the future of the profession.

For those of us who are counting, we have just 391 working days left until the doors of a future professional body open for business! Just 391 days to manage the effective and safe transition of our current regulatory responsibilities to the General Pharmaceutical Council and to harness the collective expertise of all those who wish to be associated with the Society's successor body. Just 391 days to construct the intellectual and tangible fabric of our future professional body, and to enthuse and engage our people around a truly compelling world class offer.

For our Patients ...

We should never lose sight of the very real difference that pharmacy makes to the millions of people in this country who's quality of life depends on our members for world leading innovative scientific research, through to the development of new drugs and novel drug delivery systems, the safe and effective supply of medicines, and for the care which pharmacists provide every day in our hospitals and in the community.

We have a duty to protect and maintain the standards of healthcare delivery for which we are rightly renowned, and although right now we have to focus our resources on how this can best be supported in the future, through new models of professional leadership and regulation, we must not be distracted from our current responsibility to the public in upholding the highest standards of pharmaceutical practice and patient care.

And last, but not least, we have a responsibility to Ourselves ...

I believe we need to "take stock", and recognise the need for us to work together in a more unified, constructive and productive partnership with each other. We need also to engender the trust and confidence of others in our intention and ability to do so.

It's sometimes easy to be overwhelmed, maybe even disheartened on occasion, with so much turbulence - but we need to remain focused, and have more belief in our ability to manage it.

We should celebrate our successes, and we should have confidence that together we can achieve great results – but only when we are aligned and motivated to.

For me, a good leader is someone that inspires others to have confidence in them, whereas a great leader is someone who inspires others to have confidence in themselves. I will work hard to re-energise and instil more confidence in all of us - so that we can absolutely achieve what we need to.

We need to stay focussed on what really matters, not distracted by what doesn't. We need to operate at a strategic level, and not get obsessed with the detail. It's vital that we should prioritise the important issues that are really going to make a difference, and not shy away from taking the tough decisions when we know we need to.

In terms of our values and behaviours: we need to actively live them; not just talk about them. I think we need to be honest with ourselves, and accept that there have been occasions of late when we could have demonstrated more respect for each other.

Great leadership is one which appreciates diversity of experience and cultivates a range of views. In my experience, the most productive dialogues are predicated on active listening not active speaking. We need to learn to be more accepting of others points of view, and be constructive in our comments when we disagree with something or someone.

We also need greater clarity in our thinking. We know that we are sometimes tempted to overcomplicate things or go off at a tangent. Let's accept the need to improve the efficiency of our decision making, and be less wasteful of our time and resources.

Let's be straightforward and transparent not complicated and secretive. Let's use our time more constructively during our meetings, and in between, to enable us to operate at a more appropriate, more effective, level of leadership.

I believe passionately that we have both an obligation and an opportunity to make a step change in the way we support those we represent, and in turn to make a lasting impact on the health of those who are dependent on them for the quality of their lives.

We have a duty to all of those who work in our profession to secure a future for them. A future which is professionally fulfilling; a future which encourages and supports self development and everything we wish our profession to stand for.

It's absolutely right that we cherish our professions' heritage, and it's absolutely right that we champion our professions' future. We need to provide the firm foundation on which generations of pharmacists, and those who support them, will build their lives.

As I said in my election statement - "Together, as a Council with world class aspirations, a self belief in our ability to succeed, the effectiveness of a high performing team, and the determination and leadership to deliver, we have the potential and the opportunity right now to make a transformational difference – and to create something we can all be justly proud of"

I thank you again for your vote of confidence in me, and I commit today to working tirelessly with you, my respected colleagues, to achieve the successful and enduring future which I'm sure we all want to see for the profession.

Steve Churton
4th June 2008